

A  
NARRATIVE OF FACTS,  
RELATING TO A  
Prosecution for High Treason;  
INCLUDING THE  
ADDRESS TO THE JURY,  
Which the Court refused to hear:

WITH  
LETTERS  
TO THE  
ATTORNEY GENERAL, LORD CHIEF JUSTICE EYRE,  
MR. SERJEANT ADAIR, THE HONOURABLE THOMAS  
ERSKINE, AND VICARY GIBBS, Esq.

AND  
THE DEFENCE  
The Author had prepared, if he had been brought to Trial.

THE SECOND EDITION.

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BY THOMAS HOLCROFT.

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L. A. S. S. S.  
M. S.

It was in the month of November, 1793, that I first became a member of the Society for Constitutional Information. The multitude of great events, which at that period had happened in France, excited people of all ranks to pondering, and men were roused by a passion for one of the most palpable of truths, which yet seemed as it were a recent discovery, that the political infirmities of all governments influence the morals and the happiness of the people, and that their virtues are capable of improvement. The good was no longer perceived than an obstacle to enjoy it was begotten, and this conviction was frequently



## NARRATIVE OF FACTS.

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IT was in the month of November, 1792, that I first became a member of the Society for Constitutional Information. The multitude of great events, which at that period had happened in France, incited people of all ranks to political inquiry; and men were roused by a perception of one of the most palpable of truths, which yet seemed as it were a recent discovery, that the political institutes of all nations essentially influence the morals and the happiness of the people, and that these institutes are capable of improvement. The good was no sooner perceived than an eagerness to enjoy it was begotten; and this eagerness was frequently

so impatient as to excite a dread that, though it could not defeat, it might painfully retard its own purpose.

At length, the sluggish apprehensions of those men, whose powers of mind are small and prejudices great, were awakened. Their numbers considerable, their wealth enormous, their influence universal, and their appetites and passions almost the sole means to them of happiness, they no sooner saw danger than they conceived disgust for the supposed authors of it ; and this disgust rapidly quickened into hatred. Animosity once conceived is generally mutual ; and the acrimony was distinctly seen to increase, and to be pregnant with pernicious effects.

Under such circumstances, it became the duty of every man to think seriously, and act with vigour. Passengers in a storm labour at the pump, are upbraided if they linger, and in danger of being thrown overboard if they refuse. Individual and general safety are the same, and the man who is not trusted with the helm may yet aid to heave or cast the anchor.

Believing

Believing that all men and all actions contribute more or less to the general good or harm, I had long been accustomed, in the efforts of which I was capable, to keep that good in view. Stimulated by the considerations I have mentioned, and by the daily events that pressed with accumulating astonishment on the mind, I ardently applied myself to the study of man, and the means of promoting his welfare and lessening his evils, as connected with political institutes. Of the rectitude of my intentions and the wisdom or folly of my endeavours my fellow citizens must judge, by the few proofs I have been able to afford. At least, I was assiduous in my inquiries; and the principles in which I was confirmed by them impelled me to communicate some part of that truth, which I imagined to be eminently beneficial.

The chief of these principles are, that man is happy in proportion as he is truly informed; that his ignorance is not a fault but a misfortune, because his quantity of knowledge is inevitably the result of the



the circumstances under which he exists ; therefore, that to be angry with him, to treat him unkindly, and to punish him, is criminal ; in other words, is erroneous ; that to instruct him, and while instructing to convince him of the benevolence of the teacher's intentions, is the only way to cure him of his mistakes and diminish the commission of crimes ; that, in proportion as he advances in the knowledge of facts, he will increase the means of happiness ; and that, as facts are unlimited in number and variety but still are subject to certain unvarying laws, the increase of his happiness is likewise certain, yet unlimited.

Being convinced that these are indubitable truths, I necessarily became the opponent of all violence, and a determined friend to the publication of truth ; since by that alone the well-being of man can be promoted. Soon after I entered this Society, I was asked by an inquirer, like myself (after he had stated that such societies decide whether propositions are right or wrong by vote) whether truth depended on a majority ?  
whether,



whether, if a nation were unanimously to vote that a part is greater than the whole, their decision could alter the fact? and, if not, why did I join in the practice of error?

To this I replied, with satisfaction to myself though not to him, that the absurdity of supposing facts could be affected by opinions was evident; but that such societies did exist, and till men should be better informed, would continue to exist; that the rule he suggested appeared to exclude all the men who were best calculated to prevent such societies, in their too great ardour to do good, from doing ill; that collecting votes was a mode of estimating the public opinion, a thing in itself highly desirable, if it could be collected in a rational manner; and that, if I refused to act with men so long as they should be guilty of mistake, I must banish myself wholly from their intercourse.

I say then, I entered this society with a firm determination to use every endeavour to prevent violence and acrimony, to communicate the truth I knew or imagined I knew,

knew, to stimulate others to do the same, and to interfere as little as possible with the framing of propositions that were to be determined on by vote. Accordingly, while I remained a member, which if the society be supposed still to exist I still remain, I never framed a single resolution, or excited others to the publication of any thing except of those facts that I believed would conduce to the well-being of man. When questions were put, I sometimes voted; and sometimes spoke, to declare my opinion, but was much oftener silent; occasionally because I thought them frivolous, but more frequently because they were in my apprehension such a mixture of right and wrong as to leave me undecided.

Little did I imagine it would be possible to accuse the inefficient proceedings of this society as treasonable: still less that I should be selected, as one of the most wicked of these conspiring traitors. We conspired indeed, but it was to do all the good in our power; and the thing we had most to deprecate, and of which we were weak enough

enough to accuse ourselves collectively, was that our power was so small.

The apprehensions of Government were first publicly announced in the proclamation of the 21st of May, 1792; and the coercive measures on which it had determined immediately appeared, in parliamentary addresses and the measures of the magistrates and municipal officers throughout the kingdom. Associations were formed, and the danger of the constitution, from the wicked attempts of republicans and levellers, became the cry of what has been called the aristocratic party. I say, what has been called; because I am not a friend to any word with which ideas of animosity and violence shall be associated. So active were these self-declared friends of Government, and so loud in their asseverations of approaching ruin, the destruction of property, insurrection, and anarchy, that the quiet people, who erroneously imagine they have no interest whatever in the affairs of government, that is, the greatest part of the nation, began to partake of the fears of these

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agitators;



agitators ; and the deception was carried to so strange a height that Ministry, by more proclamations, asserted, in the face of the world, that insurrections did actually exist, which the militia was called out to quell, at a moment when not a hand or foot was stirring on any such pretences within the confines of Great Britain. They seemed to have reiterated the cry of fire, till they had convinced themselves that the world was in flames ; and, for my own part, I have little doubt but that they were guilty of the incredible folly of supposing that these insurrectionss were really combining, and on the eve of bursting forth. That they did actually exist they must know to be a falsehood. The mistake therefore of which they were guilty was in affirming even more than they themselves believed.

Fear and infatuation having once seized the mind, its bewildered faculties run riot ; and consequences the most absurd and most deplorable are ever likely to be the result. Prosecutions were immediately commenced, throughout the kingdom. Every county  
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affize and quarter sessions condemned some poor ignorant enthusiast to imprisonment, for follies at which infancy or idiotism scarcely could have taken fright; and men of respectable characters and honest intentions, in the fury of their new-born zeal, thought it a heroical act of duty to watch the conduct of their very intimates, excite them to utter what have been opprobriously called seditious and treasonable words, and afterward to turn informers against the intemperance they had provoked. To avoid giving any opinion, not to mention that such silence would have been dastardly and hypocritical, was almost impossible. Language the most outrageous was employed, to make those who were in the least suspected declare their creed; and, if it were not entirely accommodating, the peaceable citizen, after being entrapped, was insulted and turned, nay frequently kicked, out of tap-rooms, coffee-houses, and public places.

The impotence of the persecuted party was every where demonstrated; yet the outcry of alarm increased. Church, and

King mobs were proved, in public courts of justice, to have been encouraged by the very men whose office it was to keep the peace; and, at Birmingham, the deluded people who had first been led to riot by a mistaken zeal in support of Government, again rose in insurrection, to avoid paying the assessments which their former leaders levied on them, for the outrages they had before committed. And, for this super-induced riot, many of them have been brought to the foot of the gallows.

Nor was this the only occasion on which the Birmingham people followed the lesson of anarchy they had been taught. They discovered their supposed power, and rose to rid the town of all houses of ill fame. So dangerous is it to teach lessons of violence to well meaning but uninformed men.

In fine, it is a fact well worthy remark that no insurrection, or shade of insurrection, has appeared on the part of the people wishing reform: and that Birmingham, Bristol, Mount-street, and Charing-cross, are all public instances of riots excited by  
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the misconduct of persons who derived the authority under which they acted from Government. It may therefore be soberly and truly affirmed that, if there have been traitors, the crime will rest upon those who have been the accusers.

With respect to the riots of press-gangs, sailors, and coal-heavers, they originate in practices which surely it is the duty of Government to inquire into, and to remedy. But they were merely repetitions of events that had but too frequently happened before; and therefore could not be justly attributed to the immediate interference of either party.

Proceeding in the same spirit, printers and bookfellers all over the kingdom were hunted out for prosecution: and the tempest of insurrection and anarchy was so confidently affirmed to be rising, and raging, that the House of Commons voted the suspension of the Habeas Corpus Bill, on the affirmation that dangerous and treasonable conspiracies did actually exist!

Future ages will find it difficult to believe



lieve that Government, through its agents, could condescend to use the means which were resorted to, that this spirit might be kept alive; and that the hatred already generated between friends, families, societies, and sects, might continue and increase. Many of its partisans openly affirmed it was desirable that the contest should be brought to an issue; and thousands of pamphlets were dispersed, gratis, all of an inflammatory kind, to produce this effect. Nay, Long-Lane and Stone-cutter Street, formerly the mart for the last dying speeches of malefactors, were enlisted in the cause; and ballad singers were drilled, paid, and stationed at the ends of streets, to chaunt the downfall of the Jacobins, the glorious administration of Mr. Pitt, and the victories of the Duke of York. If but one of them dared to sing a stanza in favour of any thing that looked like freedom, he or she was taken up and committed to the house of correction. I myself witnessed numberless scenes of this kind; and, once in particular, saw five vociferous



vociferous fellows, not meanly dressed, with cockades in their hats, shouting the contents of papers meant to excite the lower people to that acrimony which, had it been completely effected as it was in part, must have ended in mischief and horror.

The caricature print-sellers, too, were obliged to take their former wares from their windows; and every device, of bleeding heads, cannibals devouring human bodies, and inventions almost too detestable for conception, was substituted to enrage the nation.

The very ballad singers, whom I have mentioned, gave away with the halfpenny songs they sold engravings, on copper, of the Queen of France; one of which, among many other curiosities of this kind, I purchased.

These things must have been the work of Government. Five men could not have found it their interest so to dress themselves up, and proclaim through the streets the crimes

crimes and villanies of the Jacobins, and the virtues of Administration. I walked with them as long as my time would permit, and saw that it was not the sale on which they depended. Long-Lane never before gave copper-plate engravings, distinct from the song, with ballads which are sold, as I believe, for three pence the double quire.

With respect to the society of which I was a member, it seemed with these progressive events to increase in amazement; and I may almost say in stupefaction. This was visible in the thinness of its meetings, its inefficient efforts, and long adjournments. Each man saw himself the butt of obloquy. Each man knew that Mr. Reeve's association was sitting, in a room of the same tavern immediately over his head; and that this association was the focus of the opprobrium cast on them all. They supposed themselves to be watched by the very waiters. Thus hunted down, is it much to be wondered at, was it very criminal, that some petulant ebullitions occasionally

casionally burst forth? Was the very nothing that they did guilt so enormous? Was it high treason?

For my own part, when a few of its members were first taken into custody, I felt astonishment which no words can describe. Surely, said I, either there have been practices of which I am totally ignorant, or men are running mad! Yet, in spite of truth, in spite of probability, the aspect of these proceedings became increasingly serious; and, to a man who should entertain the general tenacious love of life, terrific. The persons apprehended were severally, and some of them repeatedly, examined before the Priy Council. The three estates of the kingdom had declared the existence of treason and conspiracy: and the nation seemed generally, to credit the assertion. I several times had information that a warrant was issued against me. Incredible as the rumour would have been at any other moment, I now believed it to be true.

Conscious of absolute innocence, my immediate conclusion was that the persons



in custody were no traitors. Many of them I knew had been warm in discourse, and did not hold the commonly supposed visionary principles held by me; which principles necessarily and inevitably prevent the commission of treason: but some of them I had frequently met, and had mixed more or less in company with most of them, and I had never heard a whisper of conspiring, or of any plan for having recourse to arms. Far was I from supposing that an endeavour to stimulate the nation to declare in favour of a parliamentary reform contained the seeds of rebellion, and the death of the King. I heard unguarded expressions sometimes, that had been provoked by actual persecution; but never a word so rash as to insinuate such a guilty intention. I met no man, who was so void of understanding as to suppose this was the true means of promoting reform. They all knew that, if the Monarch were to die, he had an heir to succeed; and it was not the change of the King, but the change of the House of Commons, that, as far as I was acquainted



acquainted with their designs, had been their general object.

Many surmises and tales prevailed, during the summer of the memorable 1794. The Reports of the Secret Committee had been read, and numbers asserted, with reason, that their contents furnished no proofs to justify the vote of the House of Commons, which affirmed that a treasonable conspiracy did exist. One week the supposed traitors were immediately to be brought to trial; the next it was said the Crown lawyers had declared that a case of treason could not be made out, and that they would be tried for seditious practices. At another time the rumour was that they would not be brought to the bar, but kept in prison till the expiration of the Suspension Act.

The chief emotion that I felt was something of the same kind with those for which I have so often been taxed as a visionary: I most earnestly wished I might be summoned before the Privy Council. Not to give them information of treasonable prac-

tices, for I had none to give; but that I might, with a collected cool and determined mind, lay before them, if I could but prevail on them to hear me, the dangerous consequences of the measures they were about to pursue. This wish was so ardent in me that, notwithstanding its apparent extravagance in supposing that I should be able to alter the opinions of the Privy Council, I several times mentioned it to my family and friends.

A warrant having been issued against me, for such a warrant the messenger who had it in possession has repeatedly acknowledged was issued, made it probable that I should be examined; and I had therefore prepared myself for the event. The late John Hunter, and other medical men, had prescribed sea-bathing for me; and, at the first period of the report of this warrant, my affairs would have permitted me to have been absent a short time from town. But I determined not to go, and took care to appear publicly, that it might be ascertained I had no desire to evade inquiry.

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At length, when the affair seemed almost to have sunk into forgetfulness, it was suddenly revived; and a commission was appointed, on the till then supposed highly improbable charge of High Treason. The proceeding astonished me; but I had no suspicion it could be intended that I should be involved in it. It is true, I had no conception how the persons imprisoned should be convicted of a treasonable conspiracy. But they had been apprehended, had been examined, had been committed. Unaccountable rumours, indeed, had prevailed concerning me; still, as I had never been called upon, never interrogated, and as my principles were, from the zeal with which I cherish and endeavour to communicate them, publicly known to so many persons, I could not but imagine myself, even in these times of incredible suspicion, an unsuspected man.

Soon, however, to my utter astonishment, assertions to the contrary were spread; and many serious reflections suggested themselves to my mind. Surely, said I,

this



this age has more general information, and therefore more virtue, more wisdom, than the past. There cannot be another meal-tub plot. No Titus Oates could now impose his execrable fictions on mankind. Yet, what am I to think? I who, if it were not an absurdity to suppose that blood would appease and purify the vicious, would willingly shed my blood to teach them benevolence and truth? I who, from my heart, so enthusiastically desire to promote good will among men; I who know too that this fact has (for I did then know that it had) been given in evidence before the Privy Council? If I can be included in an indictment for High Treason, how can I foretell what it is that cannot be? I recollected that the House of Commons had been led, by ministry, and the adherents of ministry, to pass an act, asserting that a treasonable conspiracy did exist; and I conceived that sophistry might easily argue with itself, that it were better twelve, or it may be twelve hundred, any indefinite number of men who were the parti-  
fans

fans of reform, should die, than that the three estates of the kingdom should suffer the ignominy which men might otherwise assert had been incurred. To some persons, even of the present day, I was well aware there would be more than plausibility in such an argument; there would be conviction.

The approaching contest I saw was big with tremendous consequences; and I seriously meditated on the part it became me and every man to act. At one moment, I could not be brought to conceive myself in danger; at the next, the facts that stared me in the face destroyed every ground of rational calculation, and left me bewildered in suspense. But a fatal and a mighty blow was aimed at the very essence of social well-being, and nothing but the fortitude of the individuals accused, and the understanding which I still believed existed in the nation, could avert the danger.

This narrative is a history of my own motives, and conduct; written in order that I may be justified to the world, and may not

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lose that utility of which the loss of the world's esteem would deprive me. I therefore insert the following letter, which will afford some sketch of what my thoughts and feelings were at this awful period. It was written to my son and daughter, who reside in Devonshire; and, as several of their letters addressed to me have miscarried, it is not improbable that it has already been read, by the agents of ministry.

“ My dear friends and children.

“ The reason of my writing to you at  
 “ this moment is to prevent any unnece-  
 “ sary alarm; to which indeed I hope you  
 “ would not have been very liable, even if  
 “ I had not written, and if you had pre-  
 “ viously heard the strange intelligence I  
 “ am about to communicate through any  
 “ other channel.

“ It is asserted in the Morning Post of  
 “ to-day, and I have before received the  
 “ same information from various people;  
 “ that a bill is to be presented to the Grand  
 “ Jury, containing a charge of High Treason  
 “ son



" son against thirteen persons, of whom I  
 " am one. As it is impossible that either  
 " this or any other imputed crime against  
 " the Government can be proved on me  
 " (my principles and practice having been  
 " so totally opposite to such supposed crimes)  
 " I hope and most seriously recommend  
 " that you will feel the same tranquility  
 " I do. The charge is so false, and so ab-  
 " surd, that it has not once made my heart  
 " beat. For my own part, I feel no en-  
 " mity against those who endeavour thus  
 " to injure me; being persuaded that, in  
 " this as in all other instances, it is but the  
 " guilt of ignorance. They think they are  
 " doing their duty; I will continue to do  
 " mine, to the very utmost of my power,  
 " and on that will cheerfully rest my safety.  
 " I must again conjure you both to feel  
 " neither alarm nor uneasiness. Remember  
 " the most virtuous of men are liable to be  
 " misunderstood, and falsely accused. But  
 " the virtuous man has no need to fear ac-  
 " cusation. If it be true that my name is  
 " in the Indictment, it will oblige me again

“ to defer the happiness of seeing you, and  
 “ the hope of recruiting my health by the  
 “ excursion. Of the latter it is true I have  
 “ need, and to be a witness of your happiness  
 “ would give me no small pleasure :  
 “ but the man of fortitude knows how to  
 “ submit to all necessities ; and, if he be  
 “ wise, frequently to turn events which  
 “ others consider as most disastrous to some  
 “ beneficent end. Shall I own to you that,  
 “ though I could not wish to be falsely  
 “ accused, yet, being so accused, I now feel  
 “ an anxious desire to be heard ? Let my  
 “ principles and actions be inquired into,  
 “ and published : if they have been erroneous,  
 “ let them become moral lessons to  
 “ others ; if the reverse, the instruction they  
 “ will afford may more effectually answer  
 “ the same purpose. I hope, *Sophy*, you  
 “ know something of me : endeavour to  
 “ communicate what you know to Mr. Cole,  
 “ and your mutual fears will then surely  
 “ be very few. Observe that, as I have yet  
 “ received no notice whatever from Government,  
 “ I have the above intelligence only  
 “ from

“from report. If it be false, I shall soon  
“be with you; if the contrary, you of  
“course will hear from me the moment I  
“have any thing to communicate. Be  
“happy, act virtuously, and disdain to live  
“the slaves of fear.

“Newman-street,  
“Sept. 30th, 1794.”

I likewise sent the following letter, on the  
same day, as directed; and, though it was  
made public on the next, it is a kind of  
document which I think I ought not to  
omit.

“To the Editor of the Morning Post.

“Sir,

“In your paper of yesterday, my name  
“is mentioned, among those said to be in-  
“serted in a bill to be presented to a Grand  
“Jury on Thursday next, containing charges  
“of High Treason. If this be the fact, I  
“have no wish to influence public opinion,  
“by a previous affirmation of my own in-  
“nocence; I desire only to appear before



“ my country. However, as I have not  
 “ been a day absent from home for more  
 “ than twelve months, and never received  
 “ from any magistrate the least intimation  
 “ of any suspicion against me, till I have  
 “ official notice, my own consciousness  
 “ obliges me to consider your intelligence  
 “ as unfounded.

“ In either case, it is a duty I owe myself  
 “ to declare, that I am now and always  
 “ shall be ready to answer every accusa-  
 “ tion.

“ Newman-street,

“ Sept. 30th, 1794.”

The see-saw of contradictory reports con-  
 cerning me, some affirming and some deny-  
 ing, kept me a few days longer in suspense.  
 A daily paper indeed asserted, and as it pro-  
 fessed with authority, that the rumour of  
 my being indicted was absolutely false; and  
 a friend, who had determined should it  
 prove true to give me every aid in his  
 power, quitted town the very day before  
 the bill was returned. I was preparing to

do the same. Not only he, indeed, but all my friends as well as myself had concluded that the report would prove to be false, it being so excessively improbable.

In this mistake I remained till Monday, October 6th, at three in the afternoon; when another friend came running to inform me that he had that moment come from Hicks's Hall, where he had been present and heard an indictment for High Treason read against twelve persons, of whom I was one. I know not how to describe my sensations. I can only say, it was those principles which I so earnestly recommended to others that preserved me from excessive indignation, excessive alarm, or any other passion that at such a time might have been fatal.

My friend felt less determined. He was a man of an acute mind, but a lawyer; and, knowing the equivocal spirit of law, and the hazard incurred from the ignorance or prejudice even of the best intentioned jurymen, he advised immediate flight. I had no great difficulty however in convincing him, that

I had

I had already determined on the measures I should take.

In this disposition, he rather unwillingly left me ; but he had no hope from farther argument. I then communicated the event with as much caution as possible to my family. And here I had a more painful scene to sustain. My father, in a passionate burst of tears, intreaties, and interjections, conjured me to fly. His age, and the circumstances under which he had lived, had rendered him a very unfit counsellor for such an occasion ; and the only means I had of calming his agitated spirits was by the firmness of my own behaviour, my declared resolution to face my accusers, from which no power on earth should turn me, and my appeal to his own knowledge of me of how far it was possible I could be thus guilty.

The coolness with which I acted inspired my parents and children with courage. I thought it prudent however to leave them, that I might consult with my own mind, and with some friends, concerning the properest mode of surrendering myself ; and,  
learning



learning that the court was to meet the next day at Hicks's Hall, I went to the house of my solicitor and friend Mr. Foulkes, where, with some other persons whose conduct in this affair has been manly altogether, and to me in particular affectionate, I supped. I did not return home, but slept here.

The next morning I appeared in court, accompanied by my solicitor and another gentleman of the law; where, as soon as the business of the court would permit, I thus addressed myself to Lord Chief Justice Eyre.

*Mr. Holcroft.* "My Lord, being informed that a bill for High Treason has been preferred against me, Thomas Holcroft, by his Majesty's Attorney General, and returned a true bill by a Grand Jury of these realms, I come to surrender myself to this court, and my country, to be put upon my trial; that, if I am a guilty man, the whole extent of my guilt may become notorious; and, if innocent, that the rectitude of my principles and conduct may be no less public. And I hope, my Lord,  
there

there is no appearance of vaunting in assuring your Lordship, this court, and my country, that, after the misfortune of having been suspected as an enemy to the peace and happiness of mankind, there is nothing on earth, after which, as an individual, I more ardently aspire than a full, fair, and public examination.

"I have further to request that your Lordship will inform me, if it be not the practice in these cases, to assign counsel, and to suffer the accused to speak in his own defence? Likewise, whether free egress or regress be not allowed to such persons, books, and papers, as the accused, or his counsel, shall deem necessary for justification?"

*Chief Justice.* "With regard to the first, sir, it will be the duty of the court to assign you counsel, and also to order that such counsel shall have free access to you at all proper hours. With respect, sir, to the liberty of speaking for yourself, the accused will be fully heard by himself, as well as by his counsel; but with regard to papers, books,

books, and other things of that kind, it is impossible for me to say any thing precisely, until the thing required be asked. However, sir, you may depend upon it every thing will be granted to the party accused, so as to enable him to make his defence.— If I understand you rightly, you now admit that you are the person standing indicted by the name of Thomas Holcroft.”

*Mr. Holcroft.* “That indeed, my Lord, is what I cannot affirm—I have it only from report.”

*Chief Justice.* “You come here to surrender yourself; and I can only accept of that surrender on the supposition that you are the person so indicted. You know the consequence, sir, of being indicted for High Treason. I shall be under the necessity of ordering you into custody. I would not wish to take any advantage of your coming forward in person, indiscreetly in this manner, without being called upon by the ordinary processes of the law. You should have a moment to consider whether you surrender yourself as that person.”



*M. Holcroft.* "It is certainly not my wish, either to inflict upon myself unnecessary punishment, or to put myself in unnecessary danger. I come only as Thomas Holcroft, of Newman Street, in the county of Middlesex, and I certainly do not wish to stand more forward than an innocent man ought to stand."

*Chief Justice.* "I cannot enter into this point. If you admit yourself to be the person indicted, the consequence must be, that I must order you to be taken into custody to answer this charge. I do not know whether you are, or are not Thomas Holcroft. I do not know you, and therefore it is impossible for me to know whether you are the person stated in the indictment."

*Mr. Holcroft.* "It is equally impossible for me, my Lord."

*Chief Justice.* "Why then, sir, I think you had better sit still.—Is there any thing moved on the part of the Crown with respect to this gentleman?"

*Solicitor General.* "My lords, as I consider

sider him to be the person against whom a true bill is found, I move that he be committed."

*Chief Justice.* "I do not know how many persons there may be of the name of Thomas Holcroft; it would be rather extraordinary to commit a person on this charge, if we do not know him."

This produced a short consultation between the Solicitor General, the other counsel for the Crown, and Mr. White. They were evidently surprised and not pleased at my appearance; and one of them, Mr. Knapp, began an argument to prove that I admitted myself to be the person indicted. He was interrupted by the Chief Justice, who again asked if the counsel for the Crown thought fit to move that I should be committed? which was accordingly moved, by the Solicitor General, and I was taken into custody by a Sheriff's officer, Mr. Cawdron, of Ironmonger Lane.

After naming Messieurs Erskine and Gibbs for my counsel, I asked the Bench whether a person employed to write for me

might have access to me in prison? and this question introduced another short dialogue.

*Chief Justice.* "That is a sort of thing that is quite new. I do not know that I can grant it, unless something be stated by you, sir, with respect to your health, to make it requisite."

*Mr. Holcroft.* "That was not my motive for inquiring; nor did I imagine I had demanded any thing that was not customary. My reason for asking was that I have been used to dictate to an amanuensis; and it would be extremely convenient for me to enjoy the same advantage, while I shall be preparing my defence."

*Chief Justice.* "I am afraid, sir, it is contrary to custom. It will be proper for you to apply to another quarter, which can better grant such an indulgence than I can, sitting in this court."

*Mr. Holcroft.* "My lord, I neither ask nor wish for any indulgence: I only ask and wish for justice."

*Chief Justice.* "Then, sir, I cannot make the order."

mid

After



After this, the Court adjourned; but I was detained perhaps three quarters of an hour: the reason of which was, as I was informed, that the warrant was making out: though I believe five minutes would have been quite sufficient for that purpose, and the truth I believe to be that the crown lawyers were consulting how I was to be treated, and sending to the higher powers for instructions. The following circumstances are the foundation of my belief,

About half past one o'clock the same day, a person came to my house in Newman Street, inquired if I was at home, and seemed at first unwilling to tell his business, or rather was undecided; probably from not having received precise orders. He first said he came from Mr. Munden; but, being questioned by my daughters, denied that he was the friend of Mr. Munden, and pretended that he had been with him to inquire my place of abode. He repeatedly asked my daughters if they were sure I was not at home; and they, by this time suspecting him

him to be an officer sent to take me, replied, he might search the house, though he might be assured I was not at home, for that I had never taught them to tell untruths; and to prove their sincerity added that I was gone to the Privy Council, to surrender myself. No, answered he; that he certainly is not; *for I am but just come from the Privy Council.* He then shewed his watch, that they might take notice it was half past one o'clock. My daughters replied, perhaps they were mistaken; and, if so, I was gone to the Old Bailey. The truth was, they knew I intended to surrender myself, but did not know where. He being then understood to be a messenger, they asked if he intended to come in, and take my papers; for on shewing his authority, he was at liberty to make any search. He replied that, *there was quite sufficient without my papers;* speaking probably the language that was prevalent, concerning the persons accused, among the prosecutors, and their retainers; after

after which he departed, saying that, if I had surrendered myself, it would save him trouble.

These facts being related to me led me to conclude that a messenger had been dispatched from Hicks's Hall to the Privy Council; and that, to preserve the decorum of authority, this person had then been sent to my house: for the effrontery of surrendering myself appears by the prosecutors and their partisans to have been thought intolerable. But that is a question which the reader will find discussed hereafter. However, while in Newgate, I stated these circumstances and my conjectures to some of the prisoners; and one of the turnkeys, being present, said it had happened as I had surmised, and that he knew a messenger was dispatched from Hicks's Hall to the Privy Council on that business.

After waiting as I have said at Hicks's Hall, the Warrant at last appeared, and I was attended to Newgate by the officer and one of the under sheriffs; both of whom  
behaved



believed with great politeness to me. And here, instead of being committed to close confinement like the other persons accused, I was allowed the same liberty of walking the court yard and visiting my fellow prisoners which is granted to persons confined for inferior crimes. I was determined to make no application for the sum of thirteen and four pence per week, which was allowed to the persons who had been imprisoned in the Tower; and accordingly I received the common prison allowance of the persons confined for sedition and misdemeanor, which is three halfpenny worth of bread per day, and no more. I do not attribute this to any desire in the prosecutors to treat me with additional severity, for they had demonstrated the contrary; but as a trait to shew how negligent those who punish are of the attention that is always due to people punished; and whom, without intending additional injury, they might and I believe do frequently leave to perish. I state this as one of the inevitable evils of a system of punishment; and common

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to all countries, though perhaps better guarded against in this than in many.

Locked within the walls of Newgate, I had full leisure for meditation; and my thoughts were intensely fixed on the state of the kingdom, on the prejudices that must be prevalent or such proceedings could not have taken place, and in conjectures on what might be the actual degree of error to which the persons who instigated this prosecution might be subject. The prospect seemed big with danger to the peace and freedom of mankind, and the only rational mode of averting it was a cool yet active fortitude. To defend myself by shewing the falsehood of the accusation was a duty; but it was a duty which at this moment I knew not how to discharge: I had no documents, nor could I tell of what I was accused.

I had remained in this suspense a few days when Mr. Kirby the keeper of Newgate one morning came, desired me to follow him, and led me through the other-

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wife impassable gates to an apartment in his own house. Here I was introduced to Mr. White, the Solicitor for the Treasury, and his two clerks; and he presented me with the indictment, a list of witnesses, and another list of the jurymen summoned for these trials; informing me at the same time that the Crown would grant as many subpoenas, without expence, as I should think proper to demand. He assumed great politeness, and I may say amenity; and I have no doubt but, at that moment, he felt as he looked: yet I could not forget the public and common assertion, that Mr. White has been rapidly making a fortune by the prosecutions which Government within these three years has undertaken, and which it is said he has promoted with uncommon assiduity and zeal. I have no doubt but that all prosecutors persuade themselves they are acting rightly. I am only sorry that they cannot detect the motives by which they are too frequently stimulated. I received the death-dealing instrument



strument he presented, bowed, withdrew, and was re-conducted to my place of confinement.

My ardour to examine the charges brought against me, the list of the witnesses who were my accusers, and the names of the men by some of whom I was to be tried, may well be imagined: but not the astonishment I felt, after scrutinizing the contents. I was indicted with eleven other persons in the same bill. That is, because I had associated with some men, in the most orderly manner, and with the most peaceful intentions to produce what we believed would be beneficial to mankind, I was charged with the supposed (for they were not real) crimes of these men, when or wherever they had been committed, though totally without my participation or knowledge! There was not a specific statement of any action of mine; but affirmations concerning the collective actions of twelve men, together with other unknown conspirators, which, respecting myself at least, I knew to be to-

tally and without exception false. But I will forbear to dwell on this subject, because I shall insert the paper which it was my intention to have read and presented to the court, on the day of my arraignment, as a protest against this whole proceeding. In the mean time, I drew up a plan of the manner in which, if my counsel should agree in opinion with me, I should wish to have my defence conducted. It was as follows:

### PLAN OF DEFENCE

*Submitted by me to Messieurs ERSKINE and GIBBS.*

1. " To insist that to obtain a reform was a virtuous attempt.

2. That, to obtain a reform peaceably I held it would be necessary to prove it to be the wish of the nation.

3. That, when it was proposed by the Corresponding and Constitutional Societies to call a Convention, my first step was to require

require that documents should be brought, to prove a Convention to be the wish of the nation.

4. That this Convention, had it been called, would have attested whether a reform of Parliament were or were not the wish of the nation.

5. That, through the whole procedure, I kept not only my own mind, but the minds of others intent on the virtue and wisdom of using none but peaceable means.

6. That I was indefatigable in propagating the system of peace, among friends, children, servants, associators, democrats, aristocrats, and especially the young and the violent of all parties: That, among democrats, I maintained the absurdity of opposing force by force, of establishing a system of benevolence by terror, and of coercing those that were not convinced: among aristocrats, I endeavoured to demonstrate the vice of war, violence, prosecution, imprisonment, death, and coercion of every kind: that I hold death, punishment, and all coercion, by whomsoever inflicted, to be vice:

that



that instruction is the sole means of happiness; and that entire freedom of speech and of the press are necessary for the conveying of instruction: that I was willing to suffer, at all times, for speaking or writing what I conceived to be the truth; and that, if violence were offered to me, I would suffer with patience and without resentment; my only end being to correct the mistakes of men, and among others of my prosecutors, however alive my feelings may be to their enormity.

7. That I did not hold those kind of associations which pretend to determine what is truth by putting propositions to the vote to be wise; for no majority, however large, can alter the nature of truth: but that I knew such associations did exist, and foresaw that, till men should become more enlightened, they would continue to exist; that to absent myself from them I conceived to be a failure of duty; for if none but the ill informed, and men who should act rather from momentary feeling than from the foresight of inquiry, were left wholly with-

out

out the advice which men of deeper reflection might afford, they would but be the oftener exposed to mistake."

At length, the prisoners whose names were in one indictment were brought from the Tower; and we heard that we were to be arraigned on Saturday October the 25th. In the mean time, I had sent the protest which I intended to read and deliver to the Court to my counsel; and they returned a message, entreating me, as I respected the lives of other men, to forbear. They were too deeply engaged to come themselves, for they had indeed incredible fatigues to sustain, and I therefore was ignorant of their reasons; though, for my own part, I could not nor can I see how this paper would have been dangerous to any man. However, the argument they urged was of such moment that I ceded without being convinced: which I consider as an error. The paper was as follows:

PROTEST

## PROTEST

*Against the* INDICTMENT *and* LIST *of*  
WITNESSES,

“I conceive that the Indictment is most unjust, and flagitious. It combines heterogeneous actions, meetings, accusations, and persons, that ought all to have been kept free from confusion. I make this remark because it is my duty ; without intending any the most minute shade of censure on my fellow sufferers. Indeed, the conduct of no two individuals ever was or ever can be the same; they therefore ought not to be confounded. Every possible means of avoiding error should be conscientiously, scrupulously, and minutely avoided: more particularly by those who prosecute in order to inflict punishment, and that punishment being no less than the loss of life. To protest against such conduct in prosecutors is the duty, not only of the prosecuted, but, of every human being. Precedents, so destructive to every man living, and to all future



ture men, while men shall continue to act as they erroneously do at present from precedent, ought not to be left upon record. I doubt whether every virtuous man ought not rather to suffer death than to plead to such an indictment.

“ To me the confusion is inexplicable ; and, of all fatal means to involve innocence, this is among the most fatal. A promiscuous list of two hundred and eight witnesses is given me, nine-tenths of whom are utter strangers to me, in person, abode, and even name, and of the whole not one has, to my knowledge, any possible charge of guilt to bring against me. Yet I am left to conjecture, if I can, who are my accusers ; or of what they can accuse me. I say, I may conjecture, if I can ; but I cannot : I have no guide. No duty can be more sacred than that of declaring to a man whose life is put in jeopardy by accusation, and as he himself well knows by false accusation or it could not have been in jeopardy ; I say, no duty can be more sacred than that of informing him who are his accusers. He is

afloat on the sea of prosecution ; and his prosecutors, who lay claim to pure undeviating justice, have taken means which they cannot but know are the most certain to harass and bewilder him, and by which in despite of innocence he may finally perish. Such is individually the situation of every man arraigned under this confused, inexplicable, and unjust indictment. I therefore protest against its iniquity, and appeal to justice : not because I have any fears for myself, but because I would not without appeal leave such a pernicious instrument on record."

The Tuesday following the trials began; and perhaps this country never witnessed a moment more portentous. The hearts and countenances of men seemed pregnant with doubt and terror. They waited, in something like a stupor of amazement, for the fearful sentence on which their deliverance or their destruction seemed to depend. Never surely was the public mind more profoundly agitated. The whole power  
of

of Government was directed against Thomas Hardy; in his fate seemed involved the fate of the nation, and the verdict of Not Guilty appeared to have burst its bonds, and to have released it from inconceivable miseries, and ages of impending slavery. The acclamations of the Old Bailey reverberated from the farthest shores of Scotland, and the whole people felt the enthusiastic transports of recovered freedom.

For my own part, though few men participated more amply in the general joy than I did, I can truly say it was not because I supposed myself a party. It was a conviction which I could never work upon myself that my accusers ever had any intention of producing evidence against me. Yet I knew how dangerous it would be should I be deceived, and found unprepared. I therefore laboured with the same ardour, at my defence, as if I had been really persuaded I should be brought to trial; and the belief that I should not was the only thought that gave me pain. To be thus publicly accused and not as publicly heard, to have it



supposed through the kingdom that I was involved in all the guilt which they had imputed to other men (but could not prove) that is, in transactions of which I had never heard till the reports of the Secret Committee were published, and in which I had no concern whatever, direct or indirect, this I own was an evil which I would have given my right hand to have avoided. But I too plainly foresaw, what afterward happened, that I was not to be heard. I hoped that so much respect, at least, would have been paid to justice as that I should have been permitted to state a few facts, in the open court, concerning myself; by which means they would have best been circulated through the kingdom. For this purpose, and that I might well weigh my assertions, and not make myself liable to the mistakes either of memory or of erroneous feeling, that is, not more liable than I am in my coolest moments, I arranged my thoughts and committed them to paper. The following is the address I intended to have delivered, at the bar of the Old Bailey,

on

on the morning when the Jury were directed to acquit me; in consequence of the Attorney General having declared he should not call any witnesses, to prove the treason charged against me and three other persons in the indictment.

“ Gentlemen of the Jury,

“ Before I quit this place, I think myself obliged, by the most sacred of duties, to say a few words to you. I will not long intrude upon your time ; but a wish to deter men from error and mischief, by a simple statement of facts, will not suffer me to depart in total silence. Let me however preface what I have to say, by a solemn declaration that, as far as I am acquainted with my own motives, I am not stimulated, however great may have been the injustice I have suffered, by any sentiments of vengeance or desire of retaliation.

“ You are directed, Gentlemen, to acquit me. This was an event which I have continually foretold. It could not be otherwise; unless methods had been practised

too flagrant even for the mistaken men, who have brought me and so many others into the present horrid predicament ; that of having our own lives, and the liberties of the nation, exposed to the desperate hazard of being contended for, by the errors, passions, and prejudices of men. This acquittal without an examination, though long foreseen, was the thing I had most to dread. Gentlemen, notwithstanding you now cannot but feel why our prosecutors do not bring us to trial, you will yet perhaps find some difficulty in believing the facts I am about to state relative to myself. The principal of these facts is that my prosecutors knew that, instead of being a traitor, a mover of war and insurrection, and a killer of kings, I say, they had proof that I was a man whose principles and practice were the very reverse. Evidence was given before the Privy Council, of these facts : and they had no evidence whatever, nor the slightest shadow of evidence, that I was a perturbator of the public peace. You need not be told, Gentlemen, that



that it is the general opinion of mankind that force can be no way effectually repelled but by force. This, though the general opinion of mankind, is not my opinion : and my prosecutors had evidence that it is not my opinion. They had evidence that, in the Constitutional Society of which I am a member, and under pretence of which they have indicted me for High Treason, I was theoretically the adversary of all force, in all possible cases ; and that practically I concurred, with the members who were most desirous of promoting reform, in urging that it must be done by the peaceable means of persuasion ; by the conviction of the understanding ; and not by the force of arms ; not by Tower muskets ; not by Sheffield pikes ; not by bread and cheese knives.—Of such weapons, Gentlemen, I do most solemnly assure you, and may my memory be execrated by all good men, to all posterity, if I speak with the least equivocation or mental reserve ! I say, Gentlemen, I do thus most solemnly assure you, that I never either heard such wicked means

means of compulsion proposed, or that such things were in existence; except in the avowed and public way in which all men know that knives and muskets do exist.

“ Gentlemen, the principal witness examined concerning me before the Privy Council was Mr. Sharp, the engraver: a man whose testimony has already been so amply detailed, in the late trial before this Court, as a witness for the Crown, and of whose integrity there is no shadow of doubt. Knowing that he had been examined I wrote to him on Saturday last, to request he would state under his own hand what his examination had been, respecting me. This is his answer.

*‘ Copy from my Testimony which I signed at the Privy Council.’*

“ The Society for Constitutional Information adjourned, and left the delegates  
 “ in the room. The most gentleman-like  
 “ person (of the Corresponding Society)  
 “ took the chair, and talked about an equal  
 “ repre-

“ representation of the people, and of putting an end to war. Holcroft talked about the Powers of the Human Mind.”

“ This is the whole that I signed—The particulars that I remember, of that conversation [before the Privy Council] are I believe nearly as follow. Mr. Holcroft talked a great deal about Peace, of his being against any violent or coercive means, that were usually resorted to against our Fellow Creatures; urged the more powerful operation of Philosophy and Reason, to convince man of his errors; that he would disarm his greatest enemy by those means, and oppose his fury—Spoke also about *Truth* being powerful; &c. &c; and gave advice to the above effect to the delegates present, who *all* seemed to agree as no person opposed his arguments. This Conversation lasted *better than an hour*, and we departed. The next time the delegates met, Holcroft was *not* present. This is the substance of what I remember of that conversation.”

Mr. Sharp was again examined, before



the Grand Jury; and this is what he writes.

‘ Before the Grand Jury, I mentioned  
 ‘ Mr. Holcroft’s disposition and conver-  
 ‘ sation, when we met, about reasoning men  
 ‘ out of their errors, who was a sort of  
 ‘ natural Quaker, and was for the peaceable  
 ‘ means that philosophy and reason point  
 ‘ out to convince mankind. He was *against*  
*violence of all kinds*; but did not believe  
 ‘ in the secret impulses of the spirit, like  
 ‘ the Quakers.’

“ Mr. Symmonds, another witness for the  
 Crown, gave positive and pointed evidence  
 before the Privy Council to the very active  
 part I took when it was proposed to call a  
 Convention, in prevailing on the Society for  
 Constitutional Information to change the  
 word Convention for the word Meeting.  
 This I urged, and this Mr. Horne Tooke  
 and the whole society agreed to, with the  
 express and declared purpose of preventing  
 misinterpretation; and of proving even by  
 the choice of a word that, so far from  
 wishing to terrify, we were anxious to  
 con-

convince all mankind that our plans and intentions were wholly peaceable.

"Whether Mr. Adams, the Secretary, were or were not examined concerning me I do not know. If he were not, let the men who have instituted these inquiries and this prosecution account for such remissness, if they can: and, if he were, I am certain what the nature of his testimony must be. His brother, whom I saw yesterday, informed me that he had several times heard Mr. Adams declare his utter astonishment that I, in particular, could be indicted: because of the repeated and ardent manner in which he and every body had heard me declare my sentiments, in favour of peace and non-resistance.

"These facts, Gentlemen, are known to all the members of the Constitutional Society; and, had I been tried, I should have brought numerous and highly respectable persons of all parties to depose to their truth.

"Gentlemen, I have stated these facts to you because they seem to me so awful, so

pernicious, so alarming to the liberties of the nation, and to have been conceived and executed with such unexampled acrimony and violence, that, should they be suffered to pass in silence and without inquiry, every man among us will be guilty of heinous neglect.

“ Rash as in my opinion the proceedings of Government have been, yet surely they never would have been rash to this extreme, had it not been taken for granted that, seeing myself threatened by power so formidable and as at that moment it appeared so unlimited, I should not have dared, however conscious of my own innocence, to abide the dangerous issue. Either they concluded that I should have fled; and that my terror would have given some sanction to their tyranny (I hope, Gentlemen, I do not call it by too harsh a name)—either they thought themselves certain of this, or I own to me their actions are totally incomprehensible. That they calculated deeply on constructive treason the late trials have now rendered as visible as the  
noon



noon day sun. But that they could imagine any Jury could see a man brought before them, of whose peaceable principles and conduct the prosecutors had the proof that I have cited, and not feel indignation inexpressible, is folly too great to be attributed even to these infatuated governors of twelve millions of men.

“ Remember, Gentlemen, into what a situation their own temerity had brought them. The honour of Parliament, the veracity of the Secret Committee, and perhaps the existence of the Ministry, depended on proving that no falsehood had been voted, on that memorable occasion when the whole Legislature decreed that a dangerous conspiracy did exist in this kingdom. Woe be to the kingdom where the Ministry can lead the Legislature thus to decree, thus to prejudge, thus to endanger the lives and liberties of millions, and can be suffered to enjoy the means of repeating such unjust and portentous decrees! I do not mean, Gentlemen, that I would have them punished.

I have

I have not a wish to do by them as they have strained every nerve to do by a few feeble individuals. I am as much an enemy to halts and axes as I am to muskets and pikes; but I am likewise an enemy to the entrusting of such men with power. That is the full and whole extent of my meaning.

“Gentlemen, thus far I have endeavoured to call your attention to this affair only as it concerns the public at large; at present I think it incumbent on me to say a few words concerning myself. Every man is virtuous in proportion to his utility in society; and, however little men in general are aware of the important truth, his public utility and his private happiness are inseparable. Whoever therefore intrenches upon the utility of an individual at once offends against both public and private good. The injury that has been committed on my private concerns and public utility, by the proceedings of Government, and the creatures of Government, before and during this prosecution, are such as I only can thoroughly  
know

know and feel. My fame, my fortune, and my family, beings who have none but me for their protection and support, have all deeply suffered. I come not here to complain, but to state facts. Justice, though it regards the whole, concerns itself in this place only with individuals. Remuneration for the injury I have sustained is, in my case, out of the question : my prosecutors cannot call back time. They can reverse attainders ; but they cannot reverse the mischiefs they have done. Wrongs committed against one man are committed against all, and not to make them known is a breach of public duty. I do not unworthily seek to excite compassion, or obtain a recompence. The first I think a vice, and the second an impossibility. Our time ought to be actively employed in the removing, and not wasted in the pitying, of evil : and injustice has no price, therefore cannot be compensated. But the errors of men ought to be proclaimed that they may be avoided ; and with this intention I proceed.

Five



Five months previous to the indictment, it was publicly known that a warrant was issued against me, and hanging over my head, whenever they should think proper to have it served. The nation through the ministerial prints was taught to consider me as something worse than a suspected person. The timid shunned me, the moderate regarded me with an evil eye, and the violent never mentioned me but with virulence and odium. I courted no party, and therefore had no protectors. My peace of mind indeed was invulnerable: for it was shielded by conscious rectitude of intention: but my resources were narrowed; and I suffered evils which, though I consider as trifling, I find the world around me complaining of as among the bitterest that man can bear. Hitherto, however, I had been only idly persecuted by the senseless buzz of Calumny: the moment arrived when I was to meet her in a more serious form. Mr. Attorney General became her organ; and this grave court, this learned nation, this enlightened age, were informed that I was a conspirator, a traitor,

a traitor, a mover of war and insurrection, and a deposer of Kings ! and, that they might rationally account for all this, that I was instigated by the Devil ! it was well indeed that they gave me the Devil for a co-adjutor, or the charge would have been too ridiculous. For my own part, however, I defy Mr. Attorney General, armed with all his Constructive Treasons, which in the same breath he has abjured and employed; I defy him, aided by Constructive Treason itself, to prove that I have compassed or imagined the death of the King.

This strange charge, Gentlemen, has brought upon me the consequences I have stated. Torn from my family, my literary labours suspended, my body imprisoned, my life threatened, and every exertion called forth lest it should be lost by false accusation, my usual resources of subsistence were instantly swept away: for I have no resources, nor ever have had, nor ever wish to have, but in my labours.

The moment when, by the operation of the indictment found against me, the evils I

have stated befel me, was the most fatal that in my case could have happened. It was when I had two pressing works to engage in and complete, for the season of exhibition and publication. This season is come, I am wholly unprepared, my time must still be engrossed by endeavours to wipe away the aspersions that have been cast on my character, and the means of support for my family for I know not how long are gone.

To these evils are added the law expences of this prosecution : and think, Gentlemen, what those must be, where two lists were given me, of Jurors and Witnesses, amounting to four hundred and thirty-six persons ; whose characters, passions, and prejudices, the Solicitor and Counsel for the defence had to examine through channels the most numerous and intricate, before they could be satisfied that the lives of the accused might not fall the sacrifices of mistake or perjury. I and my fellow sufferers were not wallowing in affluence ; we could not give 8400l. to our counsel with their briefs ; nor expend thousands and hundreds of  
thousands



thousands in our defence. We had no national treasury to draw upon. Alas! we had the wealth of the nation, the prejudices of the nation, and the power of the nation to encounter. By what miracle could we escape? The innocence of those men must be evident indeed that could endure such an inquest, and withstand such an assault.

“ Oh! how cautious ought those to be, whose accusation is instantly followed by imprisonment, and all the anguish which the threatened loss of property, character, and life occasion! How severe should be their inquiries into facts! How conscientious the inferences they draw, when consequences so serious and fatal are inevitably to result! Gentlemen, in an affair thus tremendous, ask yourselves, what would your feelings be? what your fears? How would you tremble, lest you should be guilty of false accusation! How would you interrogate, and repeat interrogation in a thousand different modes; even when questioning the most unprejudiced, the most open, the most honest witness! What then

would you do with a Spy and an Informer? a man whom you had taken into pay, and who must accuse, or must demonstrate that his office is useless? a trained and hired perjurer?

"Yes; indictments preferred on such evidence are indeed flagitious! But what must have been the motives of those prosecutors who could employ such wicked engines? persons who could so far forget all semblance of justice as to bring these accumulated wrongs on a man, against whom they not only were destitute of all proof of guilt, but had the actual proofs that you have heard of his innocence? nay, let me honestly say, of his virtue?

"Gentlemen, I have stated some of the misfortunes brought upon me by this most groundless accusation. How far they are hereafter to pursue me and my family, my daughters who have yet a provision to seek, my aged parents who have no support but from my labours, of all this I am ignorant. But I shall suffer chearfully, and misfortune  
itself

itself will turn to blessing, if I can but lead you and all men to reflect on the nature of such cases. Consider them well. Being injured by Government, to whom are we to seek relief? If a man, thinking Government culpable, endeavour to correct its vices, and accuse it, no matter how truly, what is the peril he incurs? Infamy, destruction, death, with incredible barbarity. If Government, suspecting a man to be culpable, accuse him, no matter how falsely, not with an intent to correct his vices, but to wreak vengeance, consign to ignominy, and hang draw and quarter, what redress has the poor trembling hunted wretch, should he happen to escape its sanguinary fangs? None. Who knows not the destructive nature of suits at law? and where is the individual possessed of wealth enough to maintain a suit against the Treasury? Of whom then is the ruined father and the destitute family to seek justice? His character blasted, his means consumed, his labour impeded, his days spent in the torments of uncertainty,



tainty, his nights in the terrors which impossible endeavours to forget these torments cause, to whom is he to complain?

“ Should he, on the contrary, be a man whom oppression cannot shake, suffering make wretched, nor horrors appal; whose well digested principles render him calm in adversity, chearful under opprobrium, dauntless however menaced, stedfast though the red right arm of power and persecution strike him; a man determined in right, unrevengeful of wrong, and making his own happiness but incidental to the happiness of the whole; such a man, though he will seek justice for himself because it is a duty, yet, should it be denied him, will bear injuries with fortitude, and private misfortunes without a murmur. Happy is it for him, that he is capable of this equanimity. But what is the guilt of that Government which can tear him from his benevolent pursuits, endanger his existence, and, if it fail in the completion of its evil designs, yet abbreviate and half cut off the powers which

which he had been all his life toiling to attain, only that he might employ them for the good of his fellow men ; his brothers, among whom he numbers his very persecutors themselves ?”

This was the address which I was prepared to have spoken ; and which act of exculpatory justice I strongly suspected, as it happened, would be denied me.

I was committed to Newgate on the 7th of October ; where I remained eight weeks, within a day. On Saturday November the 29th I received the following notice :

“*The KING against THOMAS HARDY, and  
“ others.*”

“ I am directed, by Mr. Attorney General, to inform you that it is his intention  
“ that you should be brought to the bar at  
“ the Old Bailey on Monday morning  
“ next ; and that a Jury should then be  
“ sworn for your trial, but that he does not  
“ propose

“ propose to give evidence against you  
“ upon this indictment,

“ Yours, &c.

“ JOSEPH WHITE,

“ Solicitor for the Crown.

“ 29th Nov. 1794.

“ To Thomas Holcroft,  
“ one of the Defendants  
“ in the above indictment.”

Mr. Solicitor White did not come himself to deliver this paper ; nor was the morning the time chosen for its delivery : it was after the prison hour of locking up, which is nine o'clock. That is, whether so contrived or not, it was after the hour that I could either send to inform my friends, or write to communicate the intelligence to the country ; and, Sunday being no post-day, it was by this means concealed as long as possible. I do not know that this had any meaning ; but such petty circumstances, that look like art, have so frequently come under my observation that, if they were all

unin-



unintentional, the coincidence at least has been remarkable.

On Monday December 1st Mr. Bonney, Mr. Kyd, Mr. Joyce, and I were put to the bar; and, in the language of the court, honourably acquitted. The other gentlemen bowed and retired. I attempted to speak, and the attempt produced the following dialogue.

*Mr. Holcroft.* My Lord, and Gentlemen of the Jury—

*Chief Justice.* Mr. Holcroft—You have been acquitted in a way that hardly affords much room for your observation—I think the best way would be for you to follow the example of the rest of the Gentlemen, who have retired.

*Mr. Holcroft.* My Lord—Every man must act according to the best of his own judgment. My judgment tells me that it is my duty, on the present occasion, to address a few words to this court and the gentlemen of the jury.

*Chief Justice.* You will understand one thing; and that is, that having been ac-

quitted, you have *no right* to address one word, either to the court or the jury.—At the same time, I don't wish to hold you strictly to that right; but conduct yourself properly, and I won't stop you.

*Mr. Holcroft.* My Lord—I have well considered what I have to say. Whether my judgment and the judgment of your Lordship should happen to differ, it is impossible for me to foreknow; but what I have to say flows from the dictates, I believe, of an honest and well intentioned mind. I am liable like all other men to mistake. Let my mistakes be heard and examined.

*Chief Justice.* Those dictates must be properly timed—At present, you are not called upon to say any thing; and you have no right to detain the court by a long speech.

*Mr. Holcroft.* I will not detain the court more than half an hour.

*Chief Justice.* Half an hour!—Mr. Holcroft, you must withdraw.

*Mr. Holcroft.* After having suffered the injustice that I think I have suffered, and  
which

which injustice it is my desire to state here publicly to this court—

*Chief Justice.* Mr. Holcroft—You have been dealt with *most honourably*, on the part of the Attorney General. You stood indicted by your Country; and no man, who happens to stand in that situation, ought to complain of injustice; because *he accuses his country of injustice*, when he makes that complaint. You have had no extraordinary hardships. You brought yourself into custody, by your own voluntary surrender. You have had no extraordinary hardship, since that time; and you have in the close of it been treated most honourably, and with all possible attention, by the Attorney General, who has consented to your being acquitted, instead of standing at the Bar upon evidence; which must have been left to the jury as evidence proper for their consideration, upon the question whether you were to be found guilty or not guilty. You have no right to complain of injustice; and therefore

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you



you ought not to be heard, upon a complaint of injustice.

*Mr. Holcroft.* My Lord, I desire but one word.

*Baron Hotham.* Mr. Kirby, why don't you do your duty?

*Mr. Holcroft.* My Lord, permit me to say one word.

*Chief Justice.* If you will be reasonable, and confine yourself within compass, I will not stop you; but a speech of half an hour is not a thing to be endured.

*Mr. Holcroft.* I find the judgment of the court wishes me to withdraw—I always desire to comport myself so as to gain best the good opinion of mankind by the exertion of what I think to be my duty. If my judgment happens to be mistaken, if I am wrong in this instance, I am certainly sorry I have not more understanding. I do not wish either to appear a violent man or an obstinate man—I had something to say to this court which I think of the utmost importance to my country and mankind in general,

general, and therefore I wished for a moment to be heard ; but as it does appear to be the opinion of this Court and every body here, I must accede to that public opinion in this place, and must take some other means of publishing my sentiments upon the prosecution that has been instituted against me.

*Chief Justice.* You had better take care of that, or you may get into *another scrape* as soon as you are relieved *from this*.

*Mr. Holcroft.* My Lord— I am very willing to suffer for what I conceive to be right.

The above dialogue is printed from notes, taken in short hand by Mr. Ramsey: after it was over I withdrew. The reader will see what my thoughts on it are, in the letter addressed to his lordship.

Before I close my narrative, I must state two particulars ; which I forgot to insert in their proper places. The first is that I sent to my counsel and Solicitor, with the plan of the defence that I wished should be made for me, the names of above sixty persons,

persons, highly respectable, of opposite parties, and of no party, whose testimony would indubitably have proved the facts I had stated. I could easily have doubled the number, had I not been conscious that the counsel would probably not call half of those I had named.

The other particular was that my Solicitor, Mr. Foulkes, wrote, in a manly manner to the Privy Council, his desire that I might be allowed my amanuensis; and that the demand was immediately complied with. It was his extreme anxiety and sincere friendship that induced him to take this step; but it was without my knowledge. I commend his intention with a warm, a glowing sense of its rectitude; and, had I been consulted, as far as I recollect the letter, I should have acquiesced in sending it; with this single addition, that the thing required was required as an act of justice, for that it did not become me to ask of them to grant any thing that had not pure justice for its basis.

And now I have little to add, except a  
just



just acknowledgment to those many kind  
 and faithful friends who, from a conviction  
 of my innocence and the injury done me,  
 so chearfully and firmly came forward in  
 my support. And it was some proof of  
 the general tenor of my conduct, to see  
 that those who had known me the longest  
 were the foremost. I make no efforts to  
 express my deep sense of gratitude and  
 obligation; because I consider such expres-  
 sions generally as hypocritical, and always  
 as erroneous. Men have nothing but du-  
 ties to perform. Every action is either  
 right or wrong. If it be right, the good  
 that accrues to the whole is its true reward:  
 it promotes the present happiness of the  
 parties; and by the necessary perception of  
 its good effects, increases their future good.  
 But, though I profess no gratitude, I do  
 not think I am less sensible of the kindness  
 I have received than those who imagine  
 gratitude to be the first of virtues. While  
 life and memory remain, I never can for-  
 get the real virtues of these friends; and I  
 hope too I never shall forget to imitate  
 them;

them ; for which, I think, they will continue to have reason to esteem me, much more than if I were incessantly to have the words gratitude and obligation on my lips, and indolence and selfishness in my heart. Those virtues I will emulate, and those virtues and the persons who possess them I most affectionately esteem.

LET-

LETTER I.

---

TO SIR JOHN SCOT,

*His Majesty's Attorney General.*

SIR,

**E**ACH individual man is the creature of the various circumstances under which he has existed and continues to exist. His actions may be good, or evil; and being past are unalterable. But to blame him, who is a sensitive being and nothing more or less, for being subject to sensation, is to blame water because it is wet, winter that it is cold, summer that it is hot, and men that they are ignorant of the best means of promoting their own happiness. To search after happiness is the entire employment of their lives; and to accuse them for pursuing

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fuing it in the manner which they imagine, however mistakenly, will best attain their end, is an absurdity. Yet this is an absurdity which few men on earth have clearly and definitely perceived; and which it is probable all men, without exception, hourly commit. It is seldom indeed that the man and the mistake are not identified; though they ought everlastingly to be kept distinct: for the mistake is past recal, but the man may amend. The error should never be spared; the person ought never to be attacked. When mistakes are pointed out, the man who committed them ought to be happy at their discovery, and to consider them with exactly the same sensations as he would have done, had they been committed by another person. All men ought to feel thus; but I am well aware that at present no men do, except on those rare occasions when they happen to recollect this principle, and unfortunately this principle is known only to a few.

If the doctrine I here state be true, you and I, sir, have been compelled, by the laws of

of our existence to act as we have done; and ought, when called to the revifal of our actions, to be defirous of perceiving the truth. We fhould if poffible difcover their good or evil tendency, in its full extent; and, in either cafe, the emotion excited, inftead of painful, ought always to be pleafant. Error once committed cannot be recalled; and forrow is a fruitlefs and childifh wafte of our time, and conduces to an habitual abufe of our faculties; while pleafure at the difcovery is rational, becaufe it is only in proportion as we accurately know what is the tendency of our actions, in other words, that which is good from that which is evil, that we can exert ourfelves to promote individual and general happinefs.

That you have been led to difapprove fome of my actions I muft take for granted, by the profecution which, in the character of the Public Accufer, you have lately inftituted againft me. For I will not do your underftanding that wrong to fuppose you could have placed any man in the danger to which your accufation brought me, merely

because you were commanded so to pursue me. Yet of which of my actions you disapprove, and whether of many or of few, I own I am totally ignorant.

It is this perplexing question, added to the praise you have received for the honourable manner in which you have treated me, that are the cause and the subject of my letter. This praise too has been bestowed from that tribunal on which the law (bear with me while I say, the fabulous law) presumes partiality cannot find place. Not satisfied with this eulogium, one of your coadjutors laboured, with no little effort, to extend the panegyric. That you had acted honourably was not sufficient. Mr. Serjeant Adair informed the court, “ that you  
 “ had acted with that candour and honour,  
 “ that respect to a court and jury of your  
 “ country, and that deference and regard  
 “ to the *liberties* of your fellow-subjects,  
 “ which so peculiarly mark your character,  
 “ and have so honourably distinguished  
 “ your conduct !”

This emphatical and ample tribute of  
 praise



praise was yet insufficient: he again returned to his eulogy, which seemed to oppress his imagination. "Gentlemen," said he, "four of these persons have been this day acquitted; I had almost said by the consent of His Majesty's Attorney General, but more properly by his *forbearing* to consent to adduce any evidence against them!" In this tone, worthy as it seems to me of a French Academician declaiming on the virtues of a *Grand Monarque*, he continued; but I *forbear* further quotation, having already cited all that is necessary for my purpose.

There is surely a most embarrassing and injurious confusion in the common terms of language. Honourable is the word on which these eulogists have most dwelt, and most delighted in. And what is honourable? Is it something more, or something less, than right? If, sir, this very honourable dealing were something more than right, to me for example, was it not something wrong, to others? that is, to men in general?

general? And can any man prove that to do wrong to men in general is to do right, nay more than right, to an individual? What hypocrisy, what falsehood is it that lurks under such common-place expressions? Do they mean any thing, or do they mean nothing? But honourable, that is, more than right, is inadequate to the expression of your merits; and forbearance, or more than more than right, is brought in as an auxiliary, to strengthen the insufficient praise. It is strange that the profession of a lawyer, which in many instances seems to oblige the professor to study with uncommon attention the accurate meaning of terms and phrases, should yet beget the preplexity and inexplicable contradictions which we so often find to be its offspring. I own that, in this instance, it was the jargon of common-place which Mr. Serjeant Adair employed; but surely, by a man of his acknowledged acumen and superior talents, it ought to have been detected. In this honourable acquittal, this forbearing to adduce evidence,

evidence, you, sir, either did that which was right or that which was wrong. My opinion is, you did that which was wrong.

Except the false accusation by which you brought me to the bar, I consider this honourable dealing, this forbearing to adduce evidence, as the greatest injury you have done me. I was acquitted! What could I desire more? This was the question which the eyes and gestures of the whole legal phalanx, judges, barristers, and clerks, seemed to ask, when I had the insolence to desire to be heard. I speak the language which their features spoke. Had not the Law released me, from its harpy talons? and ought I not to have stolen away, and be happy so to escape? What! My head on my shoulders and yet complain! Well might the Lord Chief Justice exclaim, "It was not to be endured!" Yes, sir, surrounded as you were by the death-dealing expounders of Bracton, Coke, and the Statutes at large, I would most gladly have encountered their united thunders, would you but have suffered me, after being publicly accused, to have



have been as publicly heard. The thing I desired was that the world should know I had been accused totally without foundation ; that my prosecutors had absolutely no proof of my guilt ; and that I had proof irrefragable of my innocence. This, sir, was what I wanted : but this was what they did not want. I must be silenced, I must be menaced, I must be insulted by the hands of a jailor at the nod of a judge, after having suffered false imprisonment, the loss of property, and a most iniquitous attack on my physical and moral existence, my life and utility.

Sir, I protest I speak with no personal enmity, to them or you ; but I speak with a strong and deep sense of the moral turpitude of your mistakes. No ; instead of exciting to vengeance, I wish to warn the world, in this and every instance, not to confound the man with the errors of his understanding. Had that been more correct, his actions would have been less vicious. He intends good, and ought to be instructed ; not tortured, not torn to pieces, not

not hanged drawn and quartered, when he commits evil.

Sir, the very reason of my surrender was that I might be tried. Had I feared the evidence you had to adduce, that is, had I really been guilty, I should have thought it my duty to have done that which you gave me the opportunity of doing; to have fled. For, though I can as little approve of my own guilt, I mean my own mistakes when I know them to be such, as I can of yours, yet I would not have been wilfully accessory to more guilt; that of the most pernicious of punishments, death; when I did not perceive how my death could have been beneficial to mankind. Conversing with Mr. Horne Tooke on the morning of our arraignment, he told me that the best thing our prosecutors could have done, for the cause of freedom, was that which they had done; imprison and indict us; except the still better thing which they had yet to do; namely, to hang us. Though I widely differed with him concerning the best, I like him was convinced that, after this

wrong had been committed, wise and virtuous men might develope its evil consequences, and thus turn it to the benefit of the community. But this, sir, could only be done by discussion, by a faithful statement of facts from which lessons of future wisdom might be deduced, and by a sagacious foresight of the result.

If so, my writing to you is an act of duty; and, though your office be that of accusation, you will scarcely accuse me for having performed it. In the course of the pamphlet of which this letter is a part, I have stated some of the public and some of the private injuries that have been committed in my case; and in these I consider you as a principal participator: but I tax your mistakes, not your person; and, though I have been imprisoned, defamed, put in danger of my life, and refused a trial, nay a hearing of half an hour as a thing intolerable to men seated on the tribunal of justice, I neither speak in anger, seek revenge, nor wish you harm. If honourable, as here applied to you, have a good meaning,



ing, I deny your honourable dealing. If it have a bad one, you will scarcely deem it worthy your acceptance: and if it have none, perhaps the persons who employed it will have less of a selfish motive for blushing than if it had expressed all that they intended.

In fine, sir, the essential question, concerning which the general safety is interested, that which many have asked and more will ask, is, Why did you include my name in the indictment? I say mine in particular, because, though the question may well be put for all the persons indicted, yet, I stood so peculiarly aloof from suspicion as to make your proceeding dangerously incomprehensible? By what arguments, is it uncharitable to say by what arts, did your agents so confound and mislead the grand jury as to induce them to return a true bill? Sir, there are many who put such interrogations with a rational anxiety for their own safety. I was a member of the Constitutional Society: is that your only answer? There were many members of that society, for I

do not know the number: why did you not indict them all? Is there a man in England who is a more enthusiastic friend to a system of peace, and a more ardent opposer of violence than I am? But, I was a member of the Committee of Conference. Why were not all the members indicted? I appeared at it but once, and you had evidence that I then “talked a great deal about  
 “peace; of my being against any violent  
 “or coercive means, that were usually resorted to against our fellow-creatures:  
 “that I urged the more powerful operations  
 “of philosophy and reason, to convince  
 “man of his errors; nay, zealot as you  
 “no doubt will deem me, that man might  
 “disarm his greatest enemy by those means,  
 “and oppose his fury, because truth is all  
 “powerful; that I gave advice to the above  
 “effect to the delegates present, who all  
 “seemed to agree, as no person opposed  
 “my arguments; and that this conversation lasted better than an hour.”

What, sir! In a system which you pretend was to overturn the government and  
 depose

depose and kill the king, was a man who, being with the imaginary conspirators whom on the face of facts he certainly did not suppose to be conspirators, was this urgent preacher of peace, this enthusiastic apostle of non-resistance, a fit man to be selected by way of preference? The error appears to be so gross that it is scarcely hyperbolical to ask, whether the person who committed it was not at that moment a lunatic? You might dislike my principles, and I could be glad that one of us were better informed; you might think my peaceful exhortations dangerous, that I can easily conceive; but how could you so impose upon your understanding as to imagine them treasonable? What! The man that, meeting these supposed conspirators, argues by the hour for order and peace in all their proceedings, does he excite to insurrection? Is he too a conspirator? How does it appear? Produce your proofs, sir, and rescue your understanding.

Yes; I know you must have been deceived; though, with the utmost sincerity  
of



of heart I protest, I cannot conceive how : except by that dereliction of mind which, if not insanity, I know not by what name it can properly be called. However, sir, that I may deal with the strictest impartiality, I will state the only circumstance that has come to my knowledge of the proof you intended to bring against me.

After the persons apprehended had been all of them examined, and some I believe committed to the Tower, while Mr. Sharp, whose testimony I have quoted as given before the Privy Council, was in the custody of an officer though suffered to remain in his own house, I and a friend paid him a visit; the officer being present. Believing as it has proved that there were no private proceedings or treasonable conspiracies existing, and therefore that government must have by some means been unaccountably misled, I conjectured that this might have happened from the falsehoods which the passions and the selfish views of their inferior agents had engendered. To guard against these misconceptions, and  
falsehoods,

falsehoods, was at this moment a very serious duty. Our visit was to Mr. Sharp, but the officer thought proper to mingle in the conversation; and, though he was not a King's messenger, but of a lower and more illiterate order, I do not think the remarks of such men ought to be treated with disdain. In answer therefore to some of these remarks, I said a few words; intimating that violence was always a vice, by whomsoever committed. This he seemed to feel as an attack upon his profession; and, conceiving me to be a dangerous person, a Jacobin no doubt, affirmed that he had seen me at the meetings or a meeting of the Corresponding Society. I immediately denied it, and he again asserted he had seen me there. The man who could imagine and persist in one falsehood, might imagine and persist in another. This instantly made me recollect my former reflections, and brought to my view the mischiefs in which the mistakes of a number of such men might involve the nation. I did not act from blind passion; I intended to make  
a strong

a strong impression upon him, and in a firm but undisturbed tone of voice said to him, " Sir, you are a liar ! " Again he repeated the affirmative, and I with increasing firmness replied—" It is a *wicked* lie, sir ! "

Mr. Sharp's letter says *impudent*. A word may easily be changed. I think myself certain, from the spirit in which I spoke and the effect I wished to produce, that the epithet was wicked ; though that is of little moment.

This was construed into a design on my part to affront the officer, produce violence, and favour the escape of Mr. Sharp. An ignorant man might easily so misconstrue : but would an ignorant man forget that he was guilty of the evasion of saying that, if he had not seen me at the meetings of the Corresponding Society, he had seen me at Mr. Thelwall's Lectures ; and that I immediately replied, I had been present once, and never but once, at a lecture delivered by Mr. Thelwall ? Did he forget too that there was another person, whose name I do not know,



know, in the room; and that this person left the room before the departure of my friend and myself? that, if such had been our design, we were then more at liberty; since the person by going proved he was not in this alarming conspiracy? yet that, after sitting some little time, and I conversing with my former coolness, the moment the man was silenced on this subject, we left him without any signs of resentment or opposition?

But, sir, supposing my mode of producing the effect I desired as vicious and as unworthy as you please (and I suspected even at the time that it had vice in it, though I knew not how taken so suddenly to act otherwise) yet, was telling this man, or any man who had really uttered a dangerous lie, that he was a liar, treason? A treble guard was immediately put upon Mr. Sharp, which is proof indeed that the man had so told his story as to produce alarm in the Privy Council, whose system it was to alarm and be alarmed. But what had this man's being pronounced a liar in common with treason? This was several months

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too before the presenting the bill of indictment. No second attempt had been made for the escape of Mr. Sharp; and, if we had wished his flight, could you, sir, think, conspirators and deep designers as we were, that we should have planned and executed our plot with such contemptible inefficacy? You might believe us to be wicked and weak, but surely you could not suppose we were idiots. Why was I not examined too, before the Privy Council, for this as well as for the rest of my conspiracies? What possible answer can be given to that question? Surely you would not designedly avoid the encounter of a man of such shallow intellect as such a failure would indicate.

Sir, the substance of this address is, that I have been accused by you of high treason; that the accusation was a flagrant breach of justice, for you had no proof whatever against me, but essential evidence in my favour; that, by the management of the prosecutors, of whom you are officially at the head, the indictment was returned a true bill;

bill ; that I have suffered all the evils of imprisonment, family alarm, wasting of substance and loss of time ; that, in addition to these, you inflicted a wrong greater than them all, you refused to let me be heard in my own defence by refusing to bring me to trial ; that you did this to avoid the disgrace of having indicted a man for the enormous crime of High Treason contrary to evidence ; and that you sat and by your silence acquiesced in the praise that was bestowed upon you, for the last and greatest of these acts of injustice. The conclusion I am obliged to draw, sir, is a very obvious one. You hold an office which while you exercise, since you can be guilty of errors so dangerous as these, the life of no man in the kingdom is safe. Be just to yourself and your fellow subjects ; acknowledge that you do not possess that cool unprejudiced impartiality which this office requires ; do the right which is yet in your power ; relieve the nation of its fears ; and abandon a station for which all dispassionate men will affirm you are unfit.

THOMAS HOLCROFT.



## LETTER II.

*To Lord Chief Justice Eyre.*

My Lord,

Hearing, as I take it for granted you will hear through some channel, of my present address to your Lordship, I have reason to suppose, by the warning you gave me when I expressed my intention in the open court of publishing my thoughts, that you will not expect me to be temperate. I know not why you should have formed such an opinion: you certainly, as I believe, had no proof on which it might be built. On the two occasions of my surrender and my acquittal, I am utterly ignorant of my own emotions if I were not determinedly cool, and collected. I suspect your lordship had not developed your own motives; and that they were a latent consciousness that I had what is generally supposed to be very great cause of complaint. The manner in which I was prevented from speaking, whether intentionally or not,

not, had every appearance of the prosecutors being fearful that I should speak disagreeable truths. I have published the address I had prepared, and you, they, and the world may now decide.

This is but the preface to the subject of my present letter; which I mean to be a few necessary remarks and arguments, on the propositions delivered by your lordship, when I appeared before you. And here I must entreat your serious attention, to a distinction which I think ought to be made. Truth contemplates man as the creature of the circumstances under which he exists; and, did those circumstances vary, he would then inevitably be different. In other words, I consider your lordship as conviction obliges me to consider all human beings; that is, as a man who acts from knowledge, when you promote the general good; and when you do the reverse, from ignorance. I attribute no malice to you, but some mistakes; and those mistakes are rendered dangerous by the talents you

you possess, and the station you fill. I admire your faculties, because they are comprehensive. I censure your errors, because they are baneful. I know that, if I had the power to convince you that they are errors, you would commit them no more; and, if I want that power, who or what am I to accuse; except the mutual want of the means of making ourselves intelligible; that is, our mutual ignorance? Let us both therefore sincerely and cordially exert ourselves to forget persons, and inquire into facts.

The heads of the inquiries I wish to be made, taken in the order in which they occurred when I appeared before you, are these.

1. What is indulgence?
2. What is right?
3. May not a man's country, that is, the government its officers and a grand jury, commit injustice?
4. Was the act of surrendering myself the part of a good citizen, and an honest man?
5. Was



5. Was it to warn or to intimidate, that you advised me to take care of publishing my sentiments, on my own case?

There is another question, namely, the honourable dealing of the Attorney General, which I shall omit to discuss with your lordship; because I have already addressed myself to that gentleman.

1. To begin with the first, your lordship will no doubt recollect that, when I asked for the attendance of my amanuensis, you answered that, unless my health made it requisite, it would be contrary to custom, and an indulgence which you could not grant. My lord, contrary to custom is one thing; indulgence is another. The forms of courts may be regulated by custom; and to those, whether just or unjust, having accepted the high office you hold, you may think proper to conform. But what does indulgence mean? That too must either be just or unjust. If it mean a just action, surely a just action is no indulgence. If it mean an unjust action, it scarcely can be characterized by a word which,

which, if it have any precise meaning, seems to incline to the side of benevolence. It is no fault of mine, my lord, that the world has long been amusing itself with words instead of truth. When you mentioned health, had not a severe adherence to veracity restrained me, I might have profited by the hint. I did not forget that I had a disease, with which I had been afflicted between two and three years; but it was not of a nature to make the attendance of a servant necessary. That was not my motive for asking the aid of another hand. To have pleaded such a motive, though the lax morality of the world would have construed it into truth, would have been falsehood; and very unworthy of a man acting upon the principles which brought me to surrender myself in that court. I then wished to act truly; and I now wish to excite your lordship and all mankind to the examination of truth. I think therefore you will easily discover there can be no such thing as indulgence; and that it is a word which ought even to be banished the nursery,

nursery, and is highly unworthy of a court of justice. Either it was right that I should have the aid I required, to enable me to demonstrate my innocence, or it was wrong. That is, it was right or wrong to deny me the means of justification: as indeed imprisonment and all other constraint more or less do deny. But of this your lordship and the world in general have hitherto been but little aware; nor is it probable that I should have the power of awakening you.

2. The last time I was brought before your lordship, you informed me that, "having been acquitted, I had no right to address one word either to the court or the jury." The same question again occurs. I suppose, your lordship meant I had no right according to the custom of the court. That however I believe is a fact not well established. But I consider all rules that have nothing better than custom for their basis as founded in error. I shall therefore only ask, was it just or unjust that I, having been published a traitor to the whole nation, should employ every means



in my power to prove to the nation how entirely innocent I had been of the crime laid to my charge? If right signify just, is it not right that every man should be as useful in society as possible? And does the suspected man enjoy his full extent of utility? Did this dumb acquittal leave me wholly unsuspected? I can solemnly assure your lordship it did not. Since my release from prison, I daily meet men, who used to approach me with smiles and friendship, who now avert their eyes, and either from dislike or timidity shun my acquaintance. I state a fact, not a complaint. I asked only half an hour; and was answered, with an exclamation, that a speech of half an hour was a thing not to be endured. What then were the speeches of the counsel for the crown; when accusation, when acrimony, when punishment were the pursuit? Speeches of seven, eight, and nine hours were endurable. Readings, repetitions, litigious quibbles, and the testimonies of spies, which protracted a sentence on which probably the lives of thousands and hundreds of thousands depended to  
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the enormous length of eight days, beginning early in the morning and frequently ending after midnight, these were endurable. And, if justice could be forwarded by such inquiries, so they ought to be: but of that I vehemently doubt. Could I have spoken for eight days, and by speaking have conduced to the promoting of justice, I ought to have been patiently and attentively heard. I will say more, though in none of these things I expect to be joined by your lordship; which is that, had my speech of half an hour been wholly wrong, it ought to have been heard; and for this plain reason, that my errors, by being known, might have some chance of being corrected.

But there are other and more obvious motives, which imperiously called on me to speak, and on my country to hear. I had been rendered a suspected man to the nation. A bill for high treason had been presented against me; and had been found, in the language of your lordship, by my country. On this indictment your lordship had committed me to prison. I had

been brought to the bar, and arraigned; and every means, except the last, had been taken by the law, which could induce my countrymen to believe I was the traitor the indictment asserted me to be. My lord, after proceedings so awful as these, to forbid an innocent man to counteract their dangerous consequences, by informing mankind of truths relative to his own conduct of which they were ignorant, and a knowledge of which would restore him to their good opinion, is one of those violent acts of injustice against which it is the duty of every man to protest.

3. I was told by your lordship, that, I stood indicted by my country; and that no man who happens to stand in that situation ought to complain of injustice; because he accuses his country of injustice, when he makes that complaint."——I own to your lordship that I have seldom heard a proposition more extraordinary. It may be the language of the law, but surely common sense revolts at it. What, is it impossible for my country to be mistaken? And of what does this country consist? Of three-  
and-



and-twenty men, nominated by the officers of the crown, composing what is called a grand jury, instructed by the crown (I speak of this case) hearing none but the witnesses for the crown, and deciding by a majority. Will it be affirmed that it was impossible for these men to be guilty of error? And is not all error unjust? Was there never an innocent man hanged? And was his country, which put him to death, guilty of no injustice? I think I can demonstrate that all wars are unjust; but no man will affirm that offensive and predatory wars are not so. And were there never offensive and predatory wars? Has this country never undertaken such wars? Or is this country exclusively exempt from error? I have heard national prejudices too frequently repeated; but I never heard an assertion so violent as this, except from the mouth of lawyers, uttering the fictions of law. Ignorant as I am of these fictions, till this period I was ignorant that this was one of them. I had heard that the king could do no wrong; but never before knew that his subjects were equally infallible. I affirm that wrong has  
been

been committed on me; and, if my country had no concern in it, I must conclude that the ministers of this country, the attorney general, the grand jury, and the other persons concerned, were no part of my country; a conclusion which, in the present self-admiring temper of Englishmen, would probably not be very grateful to them.

4. Perhaps I have too great an aptitude to feel surprise. If so, I am willing my mistakes should be known; for I confess I again felt extreme surprise, when I heard myself reproached by your lordship, for surrendering myself after a bill had been found against me for high treason. What, my lord! Being conscious of my own innocence, would you have advised me to the clandestine act of concealment; of flight; of inducing the world to believe me guilty? Surely in this instance your lordship's memory slept: you had forgotten even your own law, which admits the appearance or flight of the prisoner as presumptive proof of innocence or guilt. Nay, do you not instruct the jury to require among the first of their proceedings whether the person ac-  
cused

cused "fled for it?" But leaving law, and recurring to a more accurate standard, to justice, is that man just to himself or to the community, who, by his cowardice, renders himself suspected, and robs himself and his country of as much utility as this suspicion destroys? Would your lordship bid innocence live under the stigma of guilt? Would you condescend so to live? I will not think so meanly of you! Greatly mistaken as I conceive you have been, in many parts of the late legal proceedings, I have a much higher opinion of your understanding. It would not suffer you to practise a precept so injurious and so unmanly. When I came to surrender myself, you informed me you would not take advantage of my indiscretion. I will not doubt but that you felt kindly, and meant me well: but were you not deceived? How was I indiscreet? Was there no intention to apprehend after having indicted me? Ministry instituted the prosecution: could I suppose that the only end they had in view was to stigmatize and render me suspected? Or, if I had entertained that belief, ought I

to



to have submitted to the injurious falsehood, and walk at large a proclaimed traitor? No; that Ministry certainly would not have endured: as little perhaps as I could endure the ignominy of concealment. Well then, ought I to have subjected myself to have been guarded through the streets a prisoner, and brought like a culprit into the presence of the blindly accusing law, when I could so far walk a free man, to deliver myself up to my prosecutors? Who will affirm that either of these would have been the act of a wise and virtuous man, conscious of his own innocence?

5. When I informed the court, being denied the liberty of speaking, that I must take some other means of publishing my sentiments concerning the prosecution that had been instituted against me, this was your lordship's answer—"You had better take care of that, sir; or you may get into another scrape, as soon as you are relieved from this." I replied that I was very willing to suffer for what I conceived to be right; and your lordship turned back on the bench, with an interjection expressing strong disapprobation.

approbation. Again I am at issue with your lordship. I know but one standard for all the actions of men; and the question will eternally recur, is the action right, or wrong? just, or unjust? Was it my duty to publish facts, which I suppose may aid men in their future conduct, or was it not? Imagine me to be at present under the influence of passion, or any other error: yet, is it not healthful to myself and to society that I should make my errors known; lest, by being treasured up in my mind, they should corrode till they burst forth with tenfold virulence? How are mistakes to be corrected, while they remain undiscovered? If utter falsehood of any kind, has government no person in pay, who can tell truth? Is it falsehood, or is it fact, that government is unwilling to hear? Why was it desirable that no further inquiry should take place, after the prisoners who had escaped a cruel and barbarous death should be released? Are proceedings so serious to all men immediately to be hushed, and smothered in silence, as soon as the prosecutors shall have failed in attempts which were either just or unjust? If just, why should they shun inquiry?

P

quity?

quiry ? If unjust, will your lordship affirm that injustice ought not to be made public ? Our king and our country, it seems, can do no wrong. Are ministry equally impeccable ? Is there any law fiction to protect them ? I do not mean their persons, but their actions ; their mistakes, if it be possible that they ever did or ever can commit any.

“ I had better take care, or I may get into another scrape.” I will not carp at a word which though vulgar was expressive ; but will ask your lordship by what action of mine it was that I got into a scrape ? How am I to avoid getting into another ? By what secret is any man to avoid false accusation ? Is your lordship wise enough to know ? If you are, for charity’s sake make it public : reformers have been and are in perilous need of it.

Surely the better judgment of your lordship had forsaken you, during this whole dialogue ! I do not seek to injure you in the opinion of your countrymen : if I did, the accusation of so unprotected a person you would probably disregard. I have declared my sentiments concerning your talents, and  
your



your mistakes. I am equally sincere in both, though I have but lightly touched on either ; for this letter is but a trifle to what I could write, on the proceedings in which you have been involved in the course of this prosecution. But they are foreign to my present subject : and if they were not, I would endeavour as I now do to convince your lordship that I have and could have no motive but the desire, not of doing injury to an individual, but good to all. I give my thoughts for what they are worth ; let those examine them who think they deserve to be examined. It may well be doubted whether I can suggest any new truth ; but I think it possible that I should place old ones now and then in a clear point of view. That you should feel offended to hear a man declare himself willing to suffer for doing that which he believed to be right, that is, for discharging what he supposed to be a duty, was a thing which if I had not seen and heard I scarcely should have credited. You might believe, though I know not why you should, that I should certainly do wrong ; yet, in your cooler moments, you

could not I think but applaud the intention: and I conclude with repeating my persuasion that your judgment was less sound, on this occasion, than it generally is in occurrences perhaps less serious in their consequences.

THOMAS HOLCROFT.

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### LETTER III.

*To Mr. Serjeant Adair.*

Sir,

IN my letter to the Attorney General, I have quoted some sentiments, which you delivered in your opening against Mr. Thelwall, and which I think it behoves me to notice. I have there made some remarks on them, and here intend to add a few more; but must previously repeat the substance of what you will find I have said in my prefatory addresses, to Mr. Attorney General and Lord Chief Justice Eyre, that the motive of my writing is not to give you pain, but, by detecting your mistakes, to add as I hope to the means of general improvement. Perhaps you may think the supposition that

I have

I have the power to give pain, undignified and unprotected by the great as I am, is a trait of arrogance. I believe however this to be a mistake beneath your understanding. You have been too long familiar with an elevated situation to imagine that any thing but the efforts of sound reason can shield a man from the pain of accusation ; whether it be false or true. But, sir, though I conceive you will be more dispassionate, there are persons who are so devoured with zeal against Jacobins, among whom, were there no other circumstances, this prosecution has in their opinion ranked me, that arrogant will be too soft a term to express their sensations.

This is a matter of trifling moment. My present theme is the forbearing benevolence of his Majesty's Attorney General. Will you patiently permit me to tell you, sir, how forbearing that gentleman has been? He forbore to call evidence against me ; which, according to the phrase, was very honourable in him indeed ; for he had none to call. He forbore to keep me and my fellow sufferers longer in prison ; because he was consci-

ous



ous that the minds of men revolted at the injustice of the punishment we had already endured. He forebore to exasperate the public more by the disclosure of the extreme folly of which, in the fervor of his accusing zeal, he had been guilty : in charging a man with the crime of High Treason at the moment when he had depositions to prove the man so charged to be the enthusiastic preacher of peace, and the determined opponent of violence. I have called it folly : by what word would you have characterized such conduct ? Yes, sir, he forebore to prosecute, in proportion as he perceived he wanted the power. He forebore to inflict evil, the moment he discovered how dangerous his conduct was become. I would not be understood to say, or suppose, that he thought it evil ; but did his mistakes lessen the injury ? His forbearance has indeed been exemplary, and I fear he will still continue to forbear. He will probably forbear, in all companies into which he goes, to inform them that he has accused without proof, has acquitted with reluctance, and has passed through Temple Bar

Bar with a confused mind, if not with an aching heart. He forebore to visit and console the families of the prisoners, by whose industry till manacled by him these families had been supported; and he will still forbear to inquire whether the fires of those prisoners be starving, their children naked, or their wives living or dead. Let him: if he be not unexpectedly wise, or deplorably erroneous, such forbearance will conduce to the quiet of his conscience.

I have but one question more to ask, and that, sir, relates wholly to yourself. You are a man who have as I may say been trammelled in the manners and customs of courts of law. You have sat upon the bench, and been led to consider the duties and even delicacies of such a situation. You are not ignorant that every expiation, which kind and respectful treatment can publicly afford, is due to a man who has been acquitted by his country, for this acquittal avows the accusation to have been false. Where, sir, was the kindness, where the respect, where the decency, of telling a man, who had just been acquitted by his country, that  
the

the reason of his acquittal was the forbearing to introduce witnesses? Sir, I intend no personal offence when I say it was so far from kind, respectful, or decent, that it was absolutely false. You forgot yourself. Men are subject to mistakes, and all that I here intend is to vindicate and do justice to my own character, against an error which I hope you would not frequently be so forgetful of what is due to justice and to a person falsely accused as to commit.

THOMAS HOLCROFT.

#### LETTER IV.

*To the Honourable Thomas Erskine; and  
Vicary Gibbs, Esq.*

Gentlemen,

HAD I not been personally implicated in the late strange prosecutions for High Treason, I still must have contemplated, I hope, with no less interest the men whose talents and integrity had fitted them to be the defenders of the human race. A sense of duty has obliged me to remark on the mistakes of some persons, concerned in these trials ;

and



and the duty of stating the facts which display truths of a contrary nature cannot be thought less urgent. I have no personal intimacy with either of you; and I certainly differ widely with you both concerning the principle of coercion, on which law is founded. On this ground, I have sometimes necessarily disapproved even parts of the astonishing defence you made in favour of the prosecuted. I think therefore I shall not rationally be suspected of an endeavour to bestow unmerited eulogium on you. Besides, as I have already said, my chief praise will be a recapitulation of facts.

When I recollect these facts, I confess the accumulated mass excites in me no small degree of amazement. Braving the cabals of a violent, numerous, and powerful party, whom none but men of fortitude would have dared to brave, you began labours which, like the ascent of the Alps, as you proceeded shewed that, having climbed mountains, you had mountains still to climb. The notice you had was abrupt, the cases each a vast chaos of darkness, and the issue, perhaps in the opinion of both parties,

parties, little less than an age of happiness or of misery to mankind. The indictment, unjust as it surely was by its complicated nature, contained the names of twelve men, to whose individual narratives you were bound to listen ; and not only to exert all your faculties to deduce the unmixed truth from them, but to divine how you might confute and annihilate accusing falsehood. You had two lists of upward of four hundred persons, jurymen and witnesses, to scrutinize : and by this enormous catalogue the lives of your clients and the liberties of the nation were to be decided. The character of every man whose name it contained was to be sifted. The prejudices of jurymen, as they might be conjectured to arise from the nature of their employments, declarations, and dependencies, demanded severe inquiry ; and the characters, connections, and vices of some of the witnesses, an inquiry perhaps still more painful, more disgusting, more severe. Failure in either of these essential points might have been destruction

destruction to the great cause you had risen to defend.

The nature of the accusation was still more confounding. It was a mass of heterogeneous facts, vague but perplexing assertions, and tedious and stupefying readings and recapitulation. It is now proved that there was nothing treasonable in them: but their artful and benumbing effects you had to destroy, or freedom had to fall.

To you, Mr. Erskine, truth requires I should particularly address myself; and the distinction I know will give no small pleasure to your kind and dignified fellow-labourer. I saw the tears start in his eyes, I heard the tremulous sinking of his voice, I witnessed the affections working in his bosom, when he attempted, in his eloquent and animated speech in the defence of Mr. Thelwall, to express his deep sense of your virtue. It was a marking trait in his character, which those who know how to estimate it will not forget.

He then will most cordially join with me, when I affirm that the intrepidity with



which you encountered an embattled host  
 of Crown lawyers, whose angry brows were  
 dark as Erebus, whenever the Bench above  
 them decided that the practice of the courts  
 was in your favour, was such as I believe  
 no pleader in the kingdom could have  
 equalled; that the acumen with which you  
 examined witnesses, Spies I mean and In-  
 formers, extracting truth from the black  
 recesses of audacious falsehood, wresting it  
 forth and dragging it to light, was no less  
 admirable; that the discrimination with  
 which you detected and exposed, even  
 without wounding, the prevarications not  
 of hired ruffians but of infatuated and pre-  
 judiced men, drew applause even from your  
 adversaries; and that, by your knowledge  
 of the human heart, you so managed the  
 witnesses for the Crown as to make these  
 very witnesses prove the injustice and the  
 falsehood of the charges brought against  
 your clients. Various are the traits, in the  
 course of the trials, that mark how emi-  
 nently you possess the qualities I have at-  
 tempted to describe. One of these I cannot  
 forbear to cite. A friend who heard it, and  
 who

who is well studied in the heart of man, particularly in its great emotions, speaking of it with transport has declared that, accompanied by your voice, look, and gesture, it was sublime. While examining the spy Alexander, who had not you detected him might have sworn away the life of Hardy, observing his downcast countenance and suddenly interrupting yourself, you exclaimed—"Look at the Jury, sir! Don't look at me: I have seen enough of you!"

The exertions of your genius thus far were delightful: and, had they ended here, would I trust have saved the nation. But here they were not to end. Your speech in favour of Hardy, at the close of the evidence for the Crown, was such that every creature who witnessed it, young and old, never mention it in my hearing but with rapture. Accompanied as it was by that profound sense of the magnitude of the cause you had to defend, and by that almost super-human energy, for such it is described to have been, with which its momentous consequences inspired you, the

OLD words

words you uttered were engraven on the hearts of your hearers ! Their affections were expanded, and they glowed with that divine enthusiasm, in the behalf of justice, which strength of feeling and genius like yours only could infuse. Sir, you saved a nation ; and a nation's tears, a nation's blessings, a nation's love, will follow you to the grave ; and there rest, in everlastingly fond remembrance, over your ashes.

Nor must I forget that you, sir, were the man whose acuteness and genius fitted you for the momentous office ; and whose courage alone could resist obstacles that terrified minds less firm, and propensities more selfish. Sorry am I to learn that the bar is infested by a mercenary band, who will not whisper a word in favour of that freedom which those who have silk gowns and furred robes to bestow systematically discountenance. They shun the unprofitable contest. They affirm, and deny, and cringe, and cower, and blow hot and blow cold, as a nod from the powers that be shall indicate ; obedient and tame for a time, that their turn to tyrannize may come. Twelve innocent  
men



men might have perished, nay a Nation have perished with them, ere one man of any standing or command at the bar would have moved in their defence. You, sir, was the only exception. Your patriotism alone was pure enough to disregard personal views, and momentary advantage. You toiled for a nobler purpose than to render your children the future satraps of despotism. Lighted by the torch of Liberty, you saw the worshippers of Mammon forging their own shackles. With a mind too elastic, too independent, too comprehensive to stoop thus basely, the sight inspired you with increasing fortitude; and you met the select legion of all the Inns and Halls, marshalled against you in dreadful array. They advanced upon you, glorying in their numbers; now man by man, and now, exasperated at repulse, rushing forward in a body: you faced and fought them all; with valour unequalled, you fought and conquered.

Shall I forget the man who so courageously imitated your daring; less injured to the field, yet eager to share your dangers! If I do, may my right hand forget her cunning!

He

He participated your toils, he was your brother in anxiety and zeal; and, in logical deduction and close reasoning, surely not your inferior. If he did not imperiously reign over the sensations, he commanded the assent of the understanding. He, like you, had to repel the poisoned arrows of law; and of law itself you mutually made a shield, by which its terrors were averted.

What shall I say? How shall I address you? Possessed of a people's love, a people snatched by your aid and the fortitude of a few from the brink of slavery, how shall an individual express his sense of your virtues and your worth? Gentlemen, the triumph you gained and the applause bestowed upon you was heartfelt, and little less than universal. But it was not momentary. No! Ages to come shall resound with its acclamations! They will be heard everlastingly: at least while the actions of men as they are shall continue to interest men as they must be.

THOMAS HOLCROFT.

## APPENDIX.

AFTER the examination of the supposed conspirators before the Privy Council, I was informed that some of them had been questioned concerning me, and that their testimony had been the truth. One of these I knew was Mr. Sharp; and being convinced when the trial of Mr. Horne Tooke was over, it was then impossible for Constructive Treason to make any farther attempts upon me, and foreseeing that I should be called up to be acquitted without trial, I wished to deliver the address which is inserted in this narrative. That it might produce its full effect, I was desirous of procuring the most authentic documents. This occasioned me to write the following note :

‘ Mr. Holcroft presents his compliments to Mr. Sharp—There is a rumour that he and others are to be called up and acquitted on Monday : requests him therefore, or rather conjures him, as he loves the cause of freedom, to furnish him with a correct statement of the evidence he gave, immediately, and, if possible by the bearer. If Mr. Sharp know any other person who gave evidence before the Privy Council concerning Mr. Holcroft, he will be greatly obliged if he will inform him.

‘ Newgate, Nov. 29th, at noon, 1794.’



To this the answer subjoined was returned ; which having quoted in part, it is necessary I should insert in-tire.

‘ Copy from my testimony, which I signed at the  
 ‘ Privy Council.’——“ The Society for Constitutional  
 “ Information adjourned and left the Delegates in the  
 “ room : the most gentlemanlike person (of the Corre-  
 “ sponding Society) took the chair, and talked about  
 “ an equal representation of the people, and putting an  
 “ end to war. Holcroft talked about the powers of  
 “ the human mind ” ‘ This is the whole that I sign-  
 ‘ ed. The particulars I remember of that conversation  
 ‘ are I believe nearly as follow : Mr. Holcroft talked  
 ‘ a great deal about peace ; of his being against any  
 ‘ violent or coercive means, that were usually resorted  
 ‘ to, against our fellow-creatures ; urged the more  
 ‘ powerful operation of philosophy and reason, to  
 ‘ convince man of his errors ; and said, that he would  
 ‘ disarm his greatest enemy, by those means, and op-  
 ‘ pose his fury.—Spoke also about truth being power-  
 ‘ ful, &c. &c. and gave advice to the above effect to  
 ‘ the Delegates present, who all seemed to agree, as no  
 ‘ person present opposed his arguments. This conver-  
 ‘ sation lasted better than an hour, and we departed.  
 ‘ The next time the Delegates met, Holcroft was not  
 ‘ present. This is the substance of what I remember  
 ‘ of that conversation.

‘ Before the Grand Jury, I mentioned Mr. Hol-  
 ‘ croft’s disposition and conversation when we met,  
 ‘ about reasoning men out of their errors. He was a  
 ‘ sort of natural quaker, and was for the peaceable

‘ means

' means that philosophy and reason pointed out, to  
' convince mankind. He was against violence of all  
' kinds; but did not believe in the secret impulses of  
' the Spirit, like the Quakers.

' I think it necessary to acquaint my friend Hol-  
' croft, that notice will be taken (to oppose my testi-  
' mony) of the words that passed at my house, when I  
' was in custody, between the officer and Holcroft—of  
' his telling the man he was a liar; it was an impudent  
' lie; which occasioned, I understand, two men being  
' placed over me the next day, they conceiving it a de-  
' sign on our part to affront the man, to produce vio-  
' lence, and favour my escape. This I believe will be  
' urged by the Counsel for the Crown, to destroy my  
' evidence in Holcroft's favour. Holcroft must pro-  
' cure other persons, who have heard him reprobate  
' war and violence, and oppose truth, reason, and phi-  
' losophy. I believe Tooke, Godwin, and Adams,  
' must remember conversations to that effect.

W. SHARP.

The answer to the last paragraph may be seen, in  
my letter to the Attorney General. I shall only add,  
that I very sincerely disapprove the word liar, or any  
other word which has an aggravating tendency; and  
that, if the occasion on which I used that word did not  
justify the action, I wish it to meet all the censure it  
deserves. I have conscientiously related the motive  
with which it was used by me.

## II.

THE following curious documents were commu-  
nicated to me, by a gentleman whose accuracy and  
perspicuity

perspicuity in stating facts have been eminently beneficial to the cause of reform, and to whom the Nation is highly indebted for the very essential part he took in drawing up the state of the representation of England and Wales, which was published by the Society of the Friends of the People. In the following Defence, I have endeavoured to give a sketch of the corruptions of Parliament, and have offered some conjectures on the oligarchical organization which, if not prevented, is likely to result. The annexed documents contain enumerations pointedly in favour of my whole argument. The power of the Crown can only counteract the influence of the Peerage by swelling its list. The Commons is proved to be the creature of their own creating. By weakening each other, they must fall; and from their downfall a new order of things must in some form or other arise, should the present pertinacious resistance to innovation, that is to a change for the better, be continued.

## 1.

|   |   |   |   |   |     |
|---|---|---|---|---|-----|
| At the King's accession, the total number of the  |   |   |   |   |     |
| Peerage (exclusive of Princes of the Blood,       |   |   |   |   |     |
| Bishops, and Scotch Peers) was                    | - | - | - | - | 172 |
| At the present day it is                          | - | - | - | - | 230 |
| Increase (being above a fourth part of the whole) |   |   |   |   | 58  |

## 2.

|   |   |   |   |   |    |
|---|---|---|---|---|----|
| From the year 1700 to the year 1761, the total  |   |   |   |   |    |
| number of new Peers created (exclusive of       |   |   |   |   |    |
| Princes, Peeresses, and Lords called up by sum- |   |   |   |   |    |
| mons) was                                       | - | - | - | - | 87 |

From



From the year 1761 to the year 1795, the total number of *new* Peers created (subject to the same exceptions as above) was - - - 87

His present Majesty therefore has created as many Peers, in thirty-four years, as his three predecessors did, in a period of almost twice the length!

The total number of Peers created, since the year 1700, is - - - 174

Of which number there have been created since 1783 no less than - - - 44

In other words, in about a *ninth* part of the time Mr. Pitt has created a *fourth* part of the number: or, comparing the number created by Mr. Pitt (44) with the total created in the present reign (87) it appears that he has induced his Majesty to create more in *eleven* years than his predecessors in office could induce him to create in *twenty-three*!

## 4.

With respect to the election influence possessed by the House of Lords, it appears by the Report of the Friends of the People to be as follows:

(N. B. This Report, having been published nearly three years without being prosecuted, answered, or even contradicted, and the substance of it standing upon the Journals of the House of Commons, may now be fairly quoted as authentic in point of *facts*.)

Seventy-eight Peers return members to serve in Parliament. - - - 172

Of

Of which number the Peers created in the present  
reign return - - - - - 48

The progress of this encroachment will appear  
more alarming when it is stated that

The Peers created during eleven years, ending in  
1772, return to Parliament - - - - - 6

The Peers created during eleven years, ending in  
1783, return to Parliament - - - - - 9

The Peers created during eleven years, ending in  
1794, return to Parliament - - - - - 33

N. B. This is exclusive of the members returned by  
Scotch Peers who have been created English Peers. I  
apprehend the number to be at least 10; but I never  
could get a return of the Patronage in Scotland. The  
late creation of Peers and their patronage is included in  
the above, taken from what in the Report of the Friends  
of the People is called the Patronage of Commoners.

5.

The total number of the present House of Lords,  
after deducting Minors and Catholics, who have  
no votes, is - - - - - 261

Of this number

Have been put into the House of Lords by his  
present Majesty, in the constitutional and neces-  
sary exercise of his prerogative,

Archbishops - - - - - 2

Bishops - - - - - 23

Princes of the Blood, made Peers by the King,  
according to long established custom, - - - 4

Hereditary English Peers who belong to his Ma-  
jesty's household - - - - - 17

Hereditary

# APPENDIX.

135

|  |    |
|--|----|
| Hereditary English Peers who belong to the Prince of Wales's household                   | 2  |
| Hereditary English Peers who belong to her Majesty's household                           | 3  |
| Hereditary English Peers, who hold great offices during pleasure under the King          | 8  |
| <i>Elected</i> by the Scotch Peers, the majority of whom are notoriously under influence | 16 |
| Have been put into the House of Lords by the King, and are not included in the above     | 57 |

132

Therefore 132 of the present House of Lords do not fall under the description of *hereditary* and *independent*. It appears from the above, that the *hereditary* Peers not holding places amount only to

129

Leaving those *named by the King, deputed by the Scotch Peers, or influenced by the Crown*, in a majority of

3

N. B. In the preceding table, the sons of Peers created by his present Majesty, are considered as Hereditary Noblemen. With respect to the number of Hereditary Peers holding places, or enjoying pensions, I have no doubt that it might be very considerably increased; but as to shew any majority was sufficient for my purpose, I have not been anxious about it.

ADVER-



## ADVERTISEMENT.

*WHILE* imprisoned in Newgate, though thoroughly persuaded I should never be tried, I yet thought it a very serious duty to prepare for my Defence. That which follows was accordingly written during my confinement, and should be read under the supposition that the trial had proceeded, the witnesses had been heard, and that the pleadings of my counsel were finished; for under this supposition it was composed.

Newman-street,  
Jan. 25th, 1795.

DEFENCE.

## DEFENCE.

THE Crime of which I here stand accused I consider as one of the highest which man can commit. It is the crime of meditating and conspiring to have recourse to arms and violence: a crime that has the greatest tendency to inflame multitudes, deprive them of reason, and excite them to all the horrors of war; which is a state the most destructive and the most unnatural to man. I trust the Court and the Jury, therefore, will afford me a patient and an attentive hearing, while I endeavour to shew the extreme injustice that has been done me; that I may be restored to society without being deprived of any part of that utility which so intimately depends on a character

unimpeachable, and a mind actuated by virtuous intention.

Points of Law have already been most ably argued ; and, if they had not, my studies have not qualified me to treat of Law in the detail. It is voluminous, complex, and contradictory. Either I mistake, or, it is the very opposite to the simple uniformity of Justice. And here it is my duty to remind you, Gentlemen of the Jury, that the very essence of your office is to consider the Justice, I say, the Justice of this and of every case that comes before you ; and, whenever Law is contrary to Justice, studiously to preserve your minds untainted by its perplexities, and unbiassed by its dogmas. I have much to say ; but, remembering that not only my life but the lives of all future men to whom this case shall be brought as a precedent are at stake, I am persuaded you will not think the duty of listening to my exculpation too severe. Arraigned thus solemnly, my defence against a charge of so deep a dye must be no less solemn.

It is the nature of accusation to alarm all  
society,



society, and render the individual accused universally suspected. The benevolence he used to meet is fled from every face; he is avoided; the sweets of social intercourse are denied; his functions are suspended, his utility is cut off, and his moral existence, the power of doing good, is always palsied, and often destroyed.

The effects of accusation, at this moment, are ten-fold pernicious. The present crisis has produced a degree of acrimony between contending parties, that is pregnant with mischief: acrimony unexampled perhaps since the proscribing days of Sylla and Cæsar. How is this desolating spirit to be appeased? Can it be by accusation, rashly made, obstinately continued, and, I will not say prosecuted with malignity, but, I must say prosecuted by all the methods which men have been accustomed to ascribe to that odious principle? What is it, at this fearful moment, that prompts and precipitates men to violence? Violence that perhaps may blind them to an approaching mass of misery; and rendering them furious,

may plunge them in that frantic and pell-mell destruction which we all deprecate, all dread, and all abhor? It is this fatal spirit of acrimony : a spirit which rashness engendered, passion has envenomed, and mutual obstinacy renders mutually atrocious.

Gentlemen, these are tremendous times! This is a tremendous occasion! And an unjust sentence will be followed by tremendous consequences! Not on account of personal worth ; for individuals, taken separately, are but insects ; on each of which Power might set its foot, and declare them noxious from the want of leisure and inclination to study their use. No: it is because such unjust decisions tend to increase that unrelenting animosity, that savage hatred, which already rages in the public mind.

For my own part, Gentlemen, I will not merely contend that I am innocent, but that I have aimed at being highly virtuous. For this purpose, I have two principal points to prove:

1. That I was actuated by peaceful motives ; was the enemy of force ; and, consequently

quently, did not compass or imagine the death of the King, or of any human being. This will prove me guiltless of the black charge brought against me.

2. That it is the duty of every man, who perceives the mischiefs resulting from the present state of representation, to endeavour to effect a reform; and you all know, Gentlemen, that a conscientious discharge of duty is the result of sentiments of virtue.

I know no method that will so effectually convince you how sincerely I am the friend of benevolence, and the enemy of coercion, or force, as by detailing the facts and arguments by which I have myself been convinced: nor can I by any other means so satisfactorily prove to you how unequivocally I am a friend to reform, as by reminding you of what the present state of representation in this kingdom is, and what are its consequences. To these points then I once more entreat your patient, strict, and conscientious attention.

I shall begin with coercion: and, as I shall have frequent occasion to use the term, I request



quest you, Gentlemen, carefully to recollect that, by coercion, I mean that force which obliges a man to act or suffer without the consent, and contrary to the decision, of his understanding.

No man I imagine will or can approve coercion, unless it be to counteract or prevent crime. We have therefore to enquire, what is crime ?

Crime is unjust intention carried into effect.

It is the nature of crime to begin with individuals, but to expand and communicate to the whole. To injure one man is to give an example of injury to all men : violence produces violence; and a first vice is followed by a train of vices, the contagion of which quickly infects the whole community.

It is likewise the nature of crime to injure him by whom it is committed. It renders him suspected, dreaded, and odious ; and he can only be countenanced in proportion as the wicked example he gives is followed : that is, by an increase of danger to himself and all mankind. If the injury of which he  
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is guilty be returned with excess, we are then accustomed by comparison to exonerate him; though in reality his crime is increased a hundred fold: for, while of two or two millions of crimes his may appear to be the least, it is more fatal than any of those of which it is the origin. All the crimes of a destructive war originate with him who first conceived that war.

Selfishness is emphatically the characteristic of crime: for the mistaken man, who does a wrong act with a view to the good of others and without a retrospect to his own, is certainly acting from virtuous intention. Supposing his action to be baneful, his mind has the attribute of virtue.

Since therefore the selfish criminal commits the greatest injury against himself, whom he intended to benefit, and the disinterested criminal is in like manner acting under mistake, it follows that all crime is error of the understanding.

Crime therefore is ignorance: which is the absence or want of knowledge. Consequently, and this is one of the most important

ant of truths, knòwledge is the sole means by which crime can be prevented.

If this reasoning be just, it follows that to attempt to prevent crime by coercion is an error of the understanding: or, in other words, is itself also crime.

This may be elucidated by an inquiry into the nature and consequences of punishment: which is one of the most important branches of coercion.

Punishment is the infliction of pain and disgrace; generally speaking, either by the permission or at the instigation of society; sometimes purposing to reform the criminal, and at others not; for criminals are frequently put to death; but always with an intent to prevent crime.

That to punish a man for being virtuous would be to commit injustice needs no proof. Punishment therefore can only concern itself with real or supposed crime.

It has already been proved that all crime is error of the understanding; and, that,

Knowledge is the sole means by which crime can be prevented. By knowlege is  
here



here understood moral knowledge ; or the communication of those facts which teach men to generate happiness and prevent misery. The more we examine the consequences of punishment, the more we shall be convinced how incapable it is of communicating this kind of knowledge.

Had punishment been an effectual means for preventing crime, as soon as punishment had been begun crime must have been on the decrease.

This effect however is not produced ; for men continue, from the introduction of punishment to the present hour, to be imprisoned, pilloried, whipped, and hanged.

Fear, falsehood, revenge, and desperation are the vices which punishment produces ; and even revenge and desperation are not so destructive as fear and falsehood.

Fear confuses, distracts, and debilitates the mind. To prevent crime, we must communicate knowledge. Now the thing most essential for the acquirement of knowledge is that the mind should be clear, and undisturbed ; and, for the practice of

the virtues taught by knowledge, that it should possess fortitude.

With respect to the practice of falsehood, it teaches man not only to conceal from others, but from himself, his various deviations from rectitude; and the more successfully he practices this deceit, the more audacious and enterprizing he becomes. Let us once more appeal to experience for proof.

What are the effects of punishment? What but inevitably to create a school for the exercise of the arts of falsehood; where the history of its transactions is read with delight, and repeated for the encouragement and instruction of every novice? Each tale has its hero; arduous tasks are undertaken; consequences are foreseen, and guarded against; fortitude and presence of mind, for the perpetration of crime, are cherished, and rendered habitual; and plans, connected, daring, and successful, are laid, by which their authors, with only a small change of circumstances, would have gained immortal fame. Such seminaries are our common

jails; and such are the heroes they daily produce, and daily deliver up, to men paid and authorized to inflict on them varieties of disgrace, punishment, and death. When a man, from the perversity of his understanding, has committed his first crime, he is immediately sent to prison, according to law: that is, Law dooms him to the society of men, whose understandings are in a still more perverted state than his own. Law, which is emphatically stiled the wisdom of ages, does this! How would common-sense act? Common-sense would instantly consign the criminal to the superintendence and admonition of the wisest and most virtuous men the nation could boast. Men capable of great crimes are, almost without exception, men of extraordinary energy and enterprize; and such men, thus benevolently treated and instructed, would become as active and indefatigable, in good, as they had been daring and restless in evil. The criminal would be transformed to the sage. Yet even this pernicious practice of the law is outdone by the law. A man



need not be criminal to be sent to prison ; he need only be accused : and, however innocent he may enter, he must have more than common virtue if he do not come out guilty. Such is coercion, such is punishment.

Punishment therefore is inefficient : it cannot extirpate crime : this can only be effected by the communication of knowledge. Hence,

It is the duty of mankind to instruct : but,

It is the practice of mankind to punish.

To instruct is to increase the well being of society.

To punish is to increase the misery of society.

But the most pernicious consequence that results to society is the following :

Injustice is of a nature so destructive to well being, that men cannot endure it, without endeavours to provide against it in future. Now, by substituting a false mode of correction, punishment, they have lost sight of the true mode, knowledge ; and thus they have lost what would have been

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an incessant motive with them to propagate that very thing itself, knowledge, by which alone their well being can be secured and improved.

The contradictions that spring from the system of violence are endless. In one and the same breath the moralist recommends sincerity and secrecy: though not two things can be more incompatible with and destructive of each other. He classes them among the most eminent virtues; though one of them cannot but be a pernicious vice, for they are opposites in the extreme. Where secrecy is sincerity cannot be: and where sincerity is secrecy can have no existence. Nothing can be more demonstrable; for, to speak with perfect sincerity there must be no reserve: but, if only a part of the truth be told, a part must be reserved: therefore to speak only a part of the truth is not to speak with perfect sincerity.

The virtue of habitual sincerity is easily proved: for, all men are agreed that to prevent injustice is a virtue: now, injustice cannot be committed till it be first conceived  
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in thought: therefore, to conceal thought is to conceal that by which the means of preventing injustice would be most effectually supplied.

How contrary to this is the coercive principle of law; which prohibits, by pains and penalties, the publication of thought! Like an odious and a wicked tyrant, it punishes seditious writings; nay, more, seditious words: that is, it imposes, under pains and penalties, a system of lying, or suppressing the genuine sentiments of our mind; and thus the most pernicious of all vices is established, by law, a part of our education. Thus men, if they have erroneous opinions, are forbidden that which alone can procure a remedy for this worst of diseases; and thus the venom of falsehood, being forcibly pent up in the mind, lies rankling there; till it bursts forth with such pestilential virulence as not only to destroy its parent but to infect all society.

The farther we pursue these inquiries the more we shall be convinced that punishment is the foe of knowledge; is destructive



tive of liberty; is incompatible with justice; and that it engenders crime, multiplies misery, and murders intellect and its energies according to law.

Gentlemen, what I have said is but a feeble sketch of this desolating principle; which I cannot contemplate without shuddering at the mischief it produces, and feeling how totally inadequate not only my powers but those of any existing being are to detail its black and bloody annals. It is by relieving my heart of this oppressive load, by attempting to shew men how miserably they are mistaken, and by zealous and incessant endeavours to persuade them to benevolence, that I have so wounded their prejudices as to have subjected myself to the foul charge with which I here stand disfigured, and at issue for life or death. Oh could I but worthily treat the grand system of Benevolence for which I contend, could I but call to your recollection the innumerable facts, with which you are all acquainted, that demonstrate its power of increasing the happiness of man, I should

then indeed rejoice at the opportunity now afforded me ; and, wholly disregarding personal danger, should exult in being the organ of Truth and the benefactor of the human race. Unequal however as I feel myself to a subject so gigantic, I feel with still superior force that it is my duty to execute the task to the best of my ability. I shall endeavour therefore to discover what true benevolence is, to trace its consequences, and to demonstrate their reality.

Benevolence is the very opposite of crime : it is just intention carried into effect.

I am well aware how strenuously the advocates for coercion contend that punishment is benevolent ; and that punishment itself is just intention carried into effect. I trust I have already proved the falsity of this assertion ; which, if false, is rendered fatal by being supposed to be true ; for, were it not so supposed, it could not be endured. Extending the inquiry a little farther, we are obliged to ask what is punishment, but the infliction of pain ?

And

And does any human being, while suffering pain, contemplate the benevolence of that agent who is exercising himself in inflicting pain? The stroke of the axe, that severs the head from the body, certainly brings no such conviction : as little does the lash of the whip ; or the locks, bolts, and bars, that prevent the emaciated and life-weary prisoner from partaking of that air and exercise which would restore him to health, freedom, and well being.

The infliction of pain, it is said, induces the patient to recollect and deeply fix in his memory the mistakes which occasioned punishment ; and, that he may avoid pain, he will carefully avoid mistake. This is a strange error ; for it supposes that the lash of the whip actually does communicate knowledge. Otherwise, how is a man whipped enabled better to avoid mistake, in future, than he was before he was whipped? The law indeed includes the absurdity of supposing that all men are fully informed of all crimes, their tendency, and extent. If it did not, its tyranny would



be hateful even to those who at present most tenaciously assert its benignity. To prove the error of this fiction would be loss of time. So voluminous and complex is law that no learned professor in this court, in this kingdom, or that ever existed, can remember its contents: so perplexed are its precepts that they are for ever varying: and so self-contradictory are its precedents that they have destroyed all certainty; and advocates the most able, judges the most upright, and juries the most conscientious, when once entangled in its intricacies, are in continual danger of exonerating the vicious, and condemning the guiltless. Why is this High Court now solemnly assembled? Oh misery to be remembered! This High Court is now sitting, robed in all its solemnities and all its terrors, not to try me and my fellow victims to this system of confusion according to any definite and already declared principle; but, to make an experiment on the perplexities which Statute Law, Precedent Law, and Constructive Law so amply afford! And on this  
rotten

rotten thread have the lives of twelve men, for days, and weeks, and months, been pending. If this be justice, if this be benevolence, if this be not the most violent exercise of the fundamentally erroneous system of coercion, I must then confess myself utterly ignorant of that justice, that benevolence, which I had proposed to myself as the grand guides of human action.

Gentlemen, I have already had and shall again have occasion, in the course of my defence, to point out abuses that seem so incorporated in society that to destroy them will perhaps appear to involve the destruction of society itself. Of these radical abuses, coercion is the chief; and law, coercion, and punishment, we find to be all parts of a common system. Now, though I hope I have demonstrated to you that where law, where coercion, where punishment is misery must be; yet, I suspect that, in thought, you have asked, with terror mingled perhaps with contempt, "What! would you throw open the prison doors, and let loose a torrent of villains,

“robbers, and murderers? Is that your benevolent your wife advice?”—I answer, No: and for this plain reason; because mankind, instead of possessing the energy and virtue necessary to adopt such a plan, would deem him a madman by whom it should be proposed. But I conjure mankind to examine the principle; and, if punishment be an evil, to keep this principle continually in view, by which they will be prevented from making new laws for the inflicting of new pains and penalties; and will be prompted to repeal the old, as expeditiously as the state of public instruction will render it safe. Yes, Gentlemen, I request you will remember that this is the whole which the reform here insisted on requires. I request you to keep in mind that however far the principles may progressively lead, I insist only on following them, now or at any time, to the limits which the wisest men of the nation shall deem to be secure. Do not call me a visionary, or an enthusiast, because I affirm that happiness begets happiness; that a first good leads



leads to a second, a second to a third, a third to a fourth, and so on everlastingly. Examine whether the principles for which I contend be true; and, if they be, follow truth as far as you can distinctly perceive it, and clearly comprehend its operations. Do not fear that such a disposition should lead you astray.

To proceed: What is the just intention in which benevolence consists; and how is it carried into effect? The just intention which constitutes benevolence is to increase the well-being of man; and, instead of inflicting, to relieve him from pain. The mode of effecting this intention is by attentively inquiring into the nature and cause of suffering: by alleviating it with every imaginable remedy; and by that assuaging consolation which a kind heart and an intelligent mind alone can afford. How effectual is this lenient balm! How eager is the criminal, who by his mistakes has involved himself in sufferings, to be relieved after this method! How does he revere, how love the hand that administers relief! There is not a man on earth whose  
plea-

heart is so depraved as not to dilate with pleasure, under the exertions and influence of enlightened benevolence. It is welcomed by the foolish and the wise, the wicked and the good. Nature is only lovely under its auspices, and man is never so conscious of his capacity for virtue as when his heart teems with benevolence.

For my own part, here I stand : the dagger is drawn, the arm uplifted, and the stroke aimed at my heart. Is it any want of benevolence to endeavour to arrest the blow ? What matters it to me, whether the assassin be a real being, or that imaginary murderer the Law ? That phantom, under whose form a hue and cry is raised to hunt me to perdition. And what kind of man is it that is dragged to the stake, and surrounded with the inflammable faggots of Suspicion, False Alarm, and atrocious Calumny ? Is it one who is a friend to the force of arms ? A preacher of violence ? An instigator to civil war ? No ; it is a man whose words and actions have been uniformly and strenuously combined to propagate peace : a man who, not with the cant of hired hypocrisy, but from

from the deep conviction of principle, has been warning men against the horrors of that spirit of persecution and hatred into which he saw all parties so eager to plunge. Yes, from deep rooted long meditated principle, Benevolence has been my system. An undeviating unshaken friend to reform, or I should not now have held my life in jeopardy; but profoundly convinced that every act of force, or violence, is contrary to reform; contrary to general and individual happiness; and big with destruction to its agents of all parties; the stumbling block of all ages, and to remove which it is the duty of all men to exert every faculty of the soul.

Should doubts still be entertained of the truth of these principles, I have only to remark that I imagine it cannot be that you, Gentlemen of the Jury, should not perceive at present how deeply I, at least, am convinced of their solidity. I will then leave it with your own consciences how far it is possible for a man holding these principles, incessantly promulgating them as I have done, and in the general tenor of my actions, regulating my conduct by them, to compass

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or imagine the death of the king and its consequences: an act which I never did nor ever can imagine; which, for the reasons already given, I hold in utter abomination; and which rather than compass myself, or connive at in others, if I had a thousand lives I would suffer a thousand deaths.

The principles I have developed, and the witnesses whose examination you have heard in proof that I have long held and long acted upon these principles, cannot I think but be sufficient to convince you, Gentlemen of the Jury, that not the most minute taint of treason can attach itself to me. But this is not sufficient. I seek to be useful to mankind: a large portion of whom will imagine that, though not guilty of treason, I have been meddling in matters that do not concern me. An opinion of this kind has induced men, who cannot but be wholly unacquainted with my character and conduct, to calumniate me in various ways. The Newspapers, commonly called ministerial, have heaped obloquy on me and my writings, which, however great may be my mistakes or their defects, have constantly had the good  
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of mankind for their object. These prejudices have pursued me in public and in private ; to the Theatre, to the Council-chamber, to Prison, and to Judgment. Yes, Gentlemen, since I have been in prison, various newspapers, by various means, have endeavoured to excite or keep alive those prejudices against me which party spirit alone could generate. Gentlemen, I should not notice such trifling, such mistaken and immoral attempts to traduce me, but that you may perceive how necessary it is that a man, in my situation, should come forth, after a trial thus solemn, unspotted and fully restored to his former utility. Yes, thus awfully called upon, it becomes me to assert, and consequently to prove, that I am something more than innocent ; and that I am now, have been, and, if justice be done me, again shall be, actively virtuous. This inevitably requires me to detail to this court, and to the kingdom, what have been my reasons for concurring with and aiding those men who have endeavoured to obtain a reform of parliament.

Why

Why are my powers thus feeble? Can it be that the single word Parliament will not excite in you all those sensations which have so often rent my bosom, at the foresight of evils which such a system, if not timely, peaceably, and conscientiously purified, must produce? Gentlemen, by the love of your children, relations, and friends, by the love of your country, by the love of the human race, I conjure you to listen patiently, attentively, and I again repeat conscientiously, to the momentous truths I am about to state. The trumpet of alarm has been sounded against reformers. Hear what reformers have to say in their own defence.

It is a fact, Gentlemen, of public notoriety, that a society called the Friends of the people; a society so honoured in its members and so respectable for its patriotic and peaceful exertions that detraction has scarcely ventured to tax its purity. I say, it is well known that this society, after a laborious scrutiny that will for ever be honourably recorded in the annals of

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this country, drew up and published a State of the Representation of England and Wales. On this authority they founded a petition, at once firm, decorous, and decisive. The petitioners there state, in express terms, “ that the number of representatives assigned to the different Counties is grossly disproportioned to their comparative extent, population, and trade ; that the elective franchise is partially and unequally distributed ; that the right of voting is regulated by no uniform or rational principle ; that by the ancient laws and statutes of this kingdom, frequent parliaments ought to be held ; that from these combined defects arise those scenes of confusion, litigation, and expence, which so disgrace the name of free representation ; that tumults, disorders, outrages, and perjury, are the dreadful attendants on contested elections ; that returning officers exercise discretionary powers with the most gross partiality, and the most scandalous corruption ; that a disputed seat in parliament has been

to "known to cost one of the parties no less  
 than fifty thousand pounds; that appeals  
 against false returns are a fresh source of  
 expence, maintained at the average sum  
 to each party of a hundred pounds per  
 day; that the attornies' bill alone of one  
 appeal, which in point of form lasted on-  
 ly two days and in point of fact only six  
 hours, amounted to nearly twelve hun-  
 —dred pounds; that the shameful practices  
 of which disgrace election proceedings have  
 so loaded the table of the House of Com-  
 mons, with petitions for judgment and  
 redress, that one half of the seven years  
 duration of parliament was scarcely suf-  
 ficient to settle who is entitled to sit for  
 the other half; that the two gentlemen  
 who sat and voted nearly three years, as  
 the representatives of the Borough of  
 Stockbridge, had procured themselves to  
 be elected by the most scandalous bri-  
 bery; that the two gentlemen, who sat  
 and voted during as long a period for  
 the Borough of Great Grimsby, had not  
 even been elected."

Gentlemen,

Gentlemen, I here cite the language of the petition. But what deserves your most serious attention is that these firm, these patriotic, these dignified petitioners did not come with a pompous recapitulation of popular assertions, which some deny, others affirm, and none had ascertained; but they came fully provided with facts, for they add to each accusing clause the at once alarming and unanswerable sentence—  
 “And this your petitioners are ready to prove.”

Gentlemen, this memorable, this truth publishing petition did not stop here; it gave a table of parliamentary patronage, containing a list of Seventy-one Peers and Ninety-one Commoners, with their names at length, who by nomination and influence return three hundred and two members to the House of Commons!

The total number of members, for England and Wales, are five hundred and thirteen; and the decided majority, independently of the Treasury members, independently of twenty-eight members who are

Gentlemen,

returned



returned by compromise, independently of forty-five additional members nominated by patronage in Scotland, I say, these seventy-one peers and ninety-one commoners, amounting together to one hundred and sixty-two, do themselves alone return a majority of ninety-one. Is there any man who now hears me remind him of these noon-day facts, and who is yet an enemy to reform? Can reason be so blinded? Can truth be so powerless? Can the love of our country and of the general good be so distant from the sense and feeling of my contemporaries?

Do you still doubt, Gentlemen, of the necessity of a parliamentary reform?

Why do I ask what are or what are not your doubts? The Parliament is itself both Judge and Party. Yes, strange to tell! Incredible to comprehension! When this petition was debated in the House of Commons, of three hundred and twenty-three members present, only forty-one had the virtue to vote in its favour! To whom then can the men who discover the mischiefs  
that

that impend appeal, but to the people? to the general understanding? Till the tide of public opinion shall become irresistible, what probability is there that such a House will reform itself?

The petition I have cited was presented on the 6th of May, 1793; the Friends of the People who presented it met on the 25th of the same month, and in a resolution which they published with their petition there is the following passage:

“ It is not (say they) a circumstance of  
 “ little moment, to the cause of reform,  
 “ that a petition, stating to the House of  
 “ Commons itself such facts and such ar-  
 “ guments, with a direct offer on the part  
 “ of the petitioners to establish every one  
 “ of their allegations by sufficient evidence,  
 “ should be received without dispute, and  
 “ recorded for ever on the Votes and Jour-  
 “ nals of the House. No objection was  
 “ made to the form or terms of the peti-  
 “ tion; no part of its contents was denied,  
 “ or even questioned; the motion to bring  
 “ up the petition was not opposed by any  
 “ man;

“ man ; the House heard it distinctly  
 “ read ; they ordered it to lie on their  
 “ table, and, after a debate of two days,  
 “ refused to appoint a Committee to take  
 “ it into consideration.”

Such, Gentlemen, was the language of these honest petitioners.

Did the conscious rectitude of the House spurn at this open attack on its purity ? Did it endeavour to answer charges, that thus proclaimed it corrupt to the very core ? Was there any man bold enough to assert the petitioners were traitors ? Gentlemen, I repeat, the Parliament, that could receive, listen to, and treat, such a petition in such a manner, is all but incapable of self reformation. Yet to be aware of this is the first step to treason ; to endeavour to learn whether the nation be or be not desirous that such a parliament should be reformed is more treason ; to declare, after inquiring, that there is not sufficient proof, at present, that such a desire does actually exist in the nation is triple treason ; to resolve that it were to be wished that the nation should so desire

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fire is treason fourfold; and farther to determine that, as soon as this desire can by peaceable means be produced, and not sooner, virtuous individuals will then cooperate with the nation, because that then parliament cannot refuse its attention, is the very climax of treason! If this be denied, why am I here? For a perception of the gross abuses I have noticed, and an attempt at reform by these actual gradations, are the sum and summit of my treason.

Recollect, Gentlemen, the barefaced profligacy with which the traffick for Boroughs is carried on in the open face of day. This traffick is reduced to a system; and the traffickers have long since received the appropriate name of Borough Mongers. You cannot be ignorant, Gentlemen, that, at a general election, these convenient dealers propose their ware wholesale, to Government, at a less price than it would produce if brought into the public market? And why? By this mode they avoid the fatigue of contest, shun the danger of prosecution for bribery, and, which is an infinitely  
 more

more hazardous peril, prevent the introduction of those restless reformers into parliament, who, were they admitted, would endanger the craft. Great is Diana of the Ephesians !

The language of our spotless representatives is as inconsistent as their conduct is depraved. At one time, while every man out of the house is publicly talking of the sale of boroughs, no man in the house is permitted to hint at the possibility of any individual member being capable of such corrupt practices ; or having entered those sacred walls by means so nefarious. At another, they are themselves prompted, I will not inquire by what motive, to speak out, and “ tell the secrets of the prison-house.” Too delicate to point at individuals, they attack the whole. Thus, for example, Mr. Pitt has made three efforts in Parliament to introduce a reform. What was his language to our spotless representatives themselves, in the very last of these attempts ? These were his words—“ To conquer the corruption that existed in the decayed boroughs he believed gentlemen  
“ would

“ would acknowledge to be impossible. The  
 “ temptation were too great for poverty to  
 “ resist ; and the consequence of this cor-  
 “ ruption was so visible that some plan of  
 “ reform in the boroughs had clearly be-  
 “ come absolutely necessary.”—Again.—  
 “ Could it not be proved that, in this coun-  
 “ try, estates so situated as to command an  
 “ influence in a decayed or depopulated bo-  
 “ rough, and to have the power of returning  
 “ two members to parliament, sold for  
 “ more money than they would have done if  
 “ situated in any other place ? However  
 “ luxuriant the soil might be, however pro-  
 “ ductive its harvests, unless its harvests  
 “ could occasionally produce a couple of  
 “ members its intrinsic value was less.”—

These are Mr. Pitt's words !

Gentlemen, I know not what your feel-  
 ings may be, but I own I cannot read a pas-  
 sage like this, in which corruption that strikes  
 at the very existence of civilized society is  
 treated with the wantonness of wit, without  
 shuddering through all my frame ! And  
 how does this sensation rise into horror,

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when I further recollect that this Mr. Pitt, the man who thus proclaimed the depravities of the house to the house itself and to the whole world, is now the man who is labouring, with the collective mass of that corrupt power which he once so unsparingly exposed, to dye his hands in the blood of those who dare to imitate his example?

What was the leading proposition in this last plan of Mr. Pitt for reform? It was, in his own precise words,—“to recommend  
“to the House the establishment of a fund,  
“for the purpose of purchasing the franchises of such boroughs as would sell. He  
“knew,” he said (satirically addressing himself to our uncontaminated parliament, as if fearful of wounding its conscientious sensibility), “he knew there was a sort of  
“squeamish and maiden coyness about the  
“house, in mentioning this subject. They  
“were not very ready to talk, in that house,  
“on what at the same time it was pretty  
“well understood, out of doors, they had  
“no great objection to; namely, to negotiate the purchase and the sale of seats.”

With

With what countenance can Mr. Pitt, after this, meet the men for whose blood he has so eagerly fought? There is but one odious answer: he is a Prime Minister.

What degree of practice is necessary for these our self-approving representatives, in the dictatorial tone of assumed virtue, to declaim on the purity of their collective body; and, if any man unprotected by their sacred walls shall dare to question the honour of that house, tax its integrity, or impeach its proceedings, overwhelm him with all their vengeance?

And how does this integrity exhibit itself? By a public avowal of the flagitious traffick. In the advertisements for the sale of estates, with what industrious art is it insinuated, so as not to be misunderstood, that there is this or that borough-interest put up for barter!

The Borough of Gatton, within these two years, was publicly advertised for sale by auction. Observe, Gentlemen, not sold for a single parliament; but the fee simple of the Borough, with the power of nominating the

the two Representatives for ever. On the day of sale, the celebrated auctioneer scarcely noticed the value of the estate. The rental, the mansion, the views, the woods and waters, were unworthy regard, compared to what he called *an elegant contingency*! Yes, Gentlemen, the right of nominating two members to Parliament, without the embarrassment of voters, was *an elegant contingency*! “Need I tell you, Gentlemen,” said he, glancing round the room with ineffable self-satisfaction, and exulting in what he called “the jewel, the unique, which was under his hammer; need I tell you, Gentlemen, that this *elegant contingency* is the only infallible source of fortune, titles, and honours, in this happy country? That it leads to the highest situations in the State? And that, considering through the tempting sinuosities of ambition, the purchaser will find the margin strewed with roses, and his head quickly crowned with those precious garlands that flourish in full vigour round the fountain of honour? On this halcyon-sea,

“ if



“ if any Gentleman who has made his for-  
 “ tune in either of the Indies chuses once  
 “ more to embark, he may repose in per-  
 “ fect quiet. No hurricanes to dread ; no  
 “ tempestuous passions to allay ; no tor-  
 “ menting claims of insolent electors to  
 “ evade ; no tinkers’ wives to kifs ; no im-  
 “ possible promises to make ; none of the  
 “ toilsome and not very clean paths of can-  
 “ vassing to drudge through : but, his mind  
 “ at ease and his conscience clear, with this  
 “ elegant contingency in his pocket, the  
 “ honours of the state await his plucking,  
 “ and with its emoluments his purse will  
 “ overflow.”

Such was the meretricious oratory  
 which, a few months ago, was thought a  
 decent veil, under which Vice might ex-  
 hibit her hideous form in all the lascivious  
 wantonness of ambiguity. But we ad-  
 vance with hasty strides, and the hypocrisy  
 of decorum is no longer thought neces-  
 sary. The flimsy mask is so worn to tat-  
 ters that its very owners are ashamed of the  
 vile disguise, and begin to speak in plain  
 terms

terms—In the Times, Saturday October 18th, was the following paragraph—“Coun-  
 “fellow Baldwin, Secretary to the Duke of  
 “Portland, *is to be* elected for the Borough  
 “of Malton, *in the gift* of Earl Fitzwil-  
 “liam”—Observe, Gentlemen, *in the gift!*

Do you want more proof? You shall have it: public avowed proof! given under the hand of a Peer! In the Salisbury and Winchester Journal, Monday October 6th, may be found the following incredibly honest document.

‘ On Tuesday last, the 30th September,  
 ‘ the annual Mayor’s Feast at Westbury  
 ‘ was held, when an elegant and sumptuous  
 ‘ entertainment was provided; at  
 ‘ which, in addition to the numerous and  
 ‘ very respectable attendance of the Gen-  
 ‘ tlemen of the Borough and neighbourhood,  
 ‘ the Earl of Abingdon and Mr. Estwick,  
 ‘ one of the members, were present. Af-  
 ‘ ter dinner many loyal and constitutional  
 ‘ toasts were drank; such as—*The King*  
 ‘ *and Constitution—The Queen and all the*  
 ‘ *Royal Family—Success to his Majesty’s arms,*  
 ‘ both

‘ both by sea and land; &c, &c, and then,  
 ‘ the health of *the Earl of Abingdon* being  
 ‘ given, his Lordship rose and addressed the  
 ‘ company in a speech, a copy of which  
 ‘ being requested and obtained from his  
 ‘ Lordship, is as follows.’

“ Gentlemen,

“ Whilst I rise to return you my best  
 “ thanks for the honour you have done  
 “ me, in drinking my health with so much  
 “ approbation, I hope you will not think  
 “ it a piece of vanity in me if I should flat-  
 “ ter myself that my conduct, toward the  
 “ Borough of Westbury, has in some de-  
 “ gree at least rendered me not undeserving  
 “ your favour; for, gentlemen, let me tell  
 “ you (what I trust, however, you are not  
 “ unacquainted with) that, although *by the*  
 “ *Constitution* of the Country and the Laws  
 “ of the land, I have *an interest* in the repre-  
 “ sentation of this Borough for returning  
 “ the members who are to serve in Parlia-  
 “ ment, I have never made use of that in-  
 “ terest in any way whatever for my own  
 “ advantage; but always in such manner



“ as I thought would be most and best for  
 “ the security of your *Rights and Liberties* !  
 “ and for the *benefit* of the public at large.  
 “ Other men possessed of *such* an interest  
 “ might have converted it, *as we know*, to  
 “ their own ambition as well as to their  
 “ private emolument—I have done nei-  
 “ ther ;. but on the contrary no member  
 “ has ever been suffered to be at one shil-  
 “ ling expence for his election ; hav-  
 “ ing cheerfully borne that expence my-  
 “ self, in order to render them more true  
 “ to their trust. That *I have been deceived*  
 “ in some of the members is true ; but this  
 “ is their fault, and not mine : in others I  
 “ have, thank God, had the satisfaction of  
 “ knowing that *I have not been deceived* ;  
 “ particularly in one who is now present.  
 “ I mean my friend Mr. Estwick ; who,  
 “ having invariably made the Constitution  
 “ of the Country the law of his Parliamen-  
 “ tary conduct, as he has merited so I am  
 “ persuaded he will continue to deserve the  
 “ suffrage of the Borough of Westbury ;  
 “ and, having said this, let me now give  
 “ you

"you a toast, Gentlemen—*Prosperity to the*  
*"free! independent! and incorrupt! Bo-*  
*"rough of Westbury,"*

Gentlemen of the Jury, what shall we  
 say? Is this England? Do we really see  
 the sun? Does its light shine upon us?

Let me however be well understood:  
 it is not against the Earl of Abingdon that  
 I would insinuate the most distant blame.  
 He it is true nominates, observe, Gentle-  
 men, nominates, the two members for  
 Westbury: but his persuasion evidently  
 is that this system of representation is vir-  
 tuous! and, granting this strange supposi-  
 tion, his mode of acting and sincerity in  
 speaking are what every honest heart must  
 applaud. No! It is the system itself, it is  
 the stage of audacious corruption, it is the  
 open infamy at which it is arrived, that  
 astonish and confound!

No man yet has been able to calculate  
 either the political or moral consequences  
 of this system; they are beyond the pow-  
 ers of calculation. Of such however as I  
 have at present any definite perception I

will endeavour to give you a feeble abstract.

And here I must request you constantly to recollect, that, one hundred and sixty-two persons return a decided majority of ninety-one in the representation of England and Wales only. Can you, Gentlemen, can the nation be acquainted with this, and remain ignorant that the real government of the country is in the possession of one hundred and sixty-two persons? At present, these persons, or an efficient number of them, are bought by what is called the executive government; but, as their power is absolute, their price is enormous. To pay this price an enormous establishment is inevitable: for these hundred and sixty-two persons are a species of petty Princes; who each has his retainers, his train of dependents, his agents, without whose influence and aid his own power would be null; and for all these provision must be made. Of all others the pool of corruption is the most prolific: agency begets agency, till the noxious brood infects every office, every department,



department, every station of life. From the peer to the exciseman, from the prime minister to the parish beadle, agents, dependents, creatures, and the creatures of creatures are every where swarming. The increase of them is incessant ; and the machine becomes so complicated, so mischievous in its action, and so hopeless of repair, that even those who think themselves most benefited by its vices glance at it with terror, and are panic-struck at the picture.

Gentlemen, this is a state that is impossible to be durable. It will soon be found that carrion sufficient for the kennel cannot be procured : and the pack will then devour their keepers ; if not prevented by another consequence, which I am about to state.

One hundred and sixty-two persons return a decided majority to the House of Commons. Gentlemen, it is the want of organization, only, that prevents these hundred and sixty-two persons from openly seizing the power of which they possess the reality ; and, should the present system continue, this organization must inevitably follow ;

low ; and these persons, who have already seized the legislative, will as inevitably possess themselves of the executive government.

Gentlemen, if I understand the intentions of government at present, they are wholly bent on keeping things as they are. But they are attempting an impossibility. We know of nothing that is not subject to change ; and the only alternative we have is to better or worse. If we dare look at facts, and are not entirely blinded by our prejudices, we shall confess that the changes with which the present system is pregnant have a general tendency to the worse : and it appears to me to require no great depth of political sagacity to foretell that, if we persist in rejecting reform, or in other words a change for the better, one of these consequences must follow. Either the hundred and sixty-two Peers and Commoners, who now possess the reality of government, will discover their collective strength, and organize it to the destruction of the present system : or, should those contentions that  
have

have hitherto divided them still continue, a degree of corruption and taxation must result, that would end in despotism : or, which is infinitely the most probable, and against which I sincerely believe our present mistaken rulers wish to guard, did they but know how, the people will become so indignant, by the evils they will feel, and which are too gross entirely to escape the grossest ignorance, that they will burst into that wild riot and savage fury in which, by similar causes, the people of France have so lately been plunged.

Gentlemen, I repeat, change there must be ; for the better, or the worse. Yet the word innovation is continually bewildering our understandings. And what is this phantom, Innovation, with which we have been haunted till our fears have entirely overwhelmed our discernment ? Is there any man so blind as not to know that innovation is inevitable ? Why do our Statute-books annually swell with innovation ? Judge Blackstone tells us that these books contained, when he wrote, one hundred and sixty statutes ; the penalty of



of which was death, without benefit of clergy. Judge Blackstone wrote in the year 1765 ; and in the indignation of his heart called it a dreadful list ; which, instead of diminishing, increased the number of offenders : yet the undeviating practice of the House of Commons is almost annually to multiply the number of penal statutes which inflict this horrid and most iniquitous punishment of death. Is not this innovation ? What ! we may be allowed to hang each other, as frequently as we please ? But to attempt to correct our abuses is treason ! And treason again demands capital punishment ! Nay, to put the matter in a still more shocking point of view, we thus are taught that our wise and humane representatives will pass act after act, to take away the fortunes, liberties, and lives of their constituents ; but not one to correct that abominable corruption for which, if men could deserve hanging,—No, no : I will not finish my sentence. Men cannot deserve death. They deserve our aid, our instruction, our love. And, if so, must not humanity blush at the sanguinary pages, which these impeccable

peccable legislators, each time they meet, consult how they may render more sanguinary ?

Gentlemen, these Commons vote taxes ; these Commons vote excise laws ; these Commons vote lottery-bills ; these Commons vote statutes to hang you ; and these Commons vote armies, to carry the whole of their votes into execution. Your safety, your liberty, your lives are not in your own keeping ; but in the keeping of an Oligarchy of one hundred and sixty-two peers and commoners. All that is dear to you does not depend on that justice which is the emanation and the pride of reason ; but it depends on Yes and No ; and to deny that Yes and No are argument, justice, and happiness, is Treason.

The difficulty of raising supplies, in order to drag heavily forward the unweildy ark, which cracks in every joint and threatens destruction to shameless vice that dances naked around it, I say, this difficulty is so great that means which are at once the most offensive to the feelings of

the people, and the most pernicious to their morals, are inevitably adopted. What is more execrated, or more execrable, than a lottery-bill? which annually receives the solemn sanction of King, Lords, and Commons, for tradesmen to cheat their creditors, servants and apprentices to rob their masters, children to pilfer their parents, the poor to pawn the very rags that conceal their nakedness, and the whole nation to gamble with the express encouragement of law! Gentlemen, this is an act of such incredible error, that, though we know it to be true, we are tempted to doubt if it can exist! What! King, Lords, and Commons join in solemnly enacting a law, that authorizes and stimulates to such innumerable vices? King, Lords, and Commons do this! It is false! No man will believe it! No man dare assert it! It were a million of treasons to imagine them guilty of mistakes so palpable and so pernicious! Gentlemen, my heart aches, it bleeds, and has bled in secret ten thousand times, at the dreadful recollection! Does it require the gift of prophecy



prophecy to foretell that the political consequences of such a system of political morality must be social destruction ? The remedy is at hand ; gentle, gradual, and peaceful reform. But they will neither take nor administer the necessary medicine. No : to offer them the sanative draught is Treason !

Gentlemen, I am here upon life and death. This is no time for me to soften down Truth till it assume the guise of Falsehood ; and, if it be, I will not accept of life upon such terms. I pity the mistakes of men, and I have already declared it to be my creed that the worst of crime is but error of the understanding : yet I own myself utterly astonished, at the inconsistency of those men who were themselves the boldest inquirers, in the year 1783, into the crying abuses that threaten the state with ruin ; and who, in the year 1794, could institute a prosecution against an individual of my principles for High Treason ! But vain is the warning voice ; though one should rise from the dead, they

will not be persuaded : Yet again and again I will exclaim to them, Beware of the hundred and sixty-two ! Beware of the Oligarchy ! Beware of iron-handed Despotism ! Beware of gore - streaming Civil War ! Have pity on the people, have pity on yourselves, and REFORM ! And, if this be treason, welcome DEATH ! I am ready.

Well ! I am a traitor ; and I conspire with other traitors, who meditate plans of reform.

Oh could this traitor but detail the fearful facts, could he indeed rouse you to a sense of the mischief that our political errors engender, and which are so fatally familiarized to us that even while they are seen they are not observed, there is not a man that hears him who would not instantly exclaim, as I do, Reform ! Reform ! Reform ! But, I feel my powers wholly unequal to the effort.

And yet, strange to think ! we daily see public sensibility so morbid, to national and to general happiness, as to testify dissatisfaction

faction for the want of news, if some dreadful battle have not been fought, some miserable city laid in ruins, some province inundated, or some country not suffering all the horrors of famine: and all these horrors created by the destructive errors of Prime Ministers, Lords, and Commons. Oh! welcome death, indeed, when I shall behold this, and not dare to proclaim the vice! or when I shall tremble to pronounce Famine, Prime Ministers, Lords and Commons in the same breath. Should they be offended, my answer is ready: REFORM! Hang draw and quarter me, if you please; but Reform!

An Empress, but lately, sent her blood-drenched hell hounds to massacre thirty thousand defenceless persons, in the city of Ismael! An Empress! The dreadful tale was stated in our daily papers as a common occurrence, and read with infinitely less emotion than would have been excited by a paragraph of a single domestic murder. With this Empress, who had made treaties in the name of the Holy Trinity  
with



with the Poles, our ministers also made treaties; and in the name of the Holy Trinity. To more treaties, with more Imperial Majesties, Kings, Potentates, and Princes who had human butchers ready trained to slaughter human beings, and bring them to the shambles of Aristocratical, Princely, and Imperial vengeance, the name of the Holy Trinity was again and again invoked. The treaties were made, and the dogs of war unleashed. Rape, fire, and sword were insufficient; red-hot balls too lenient; fraud, forgery, and famine, must swell the hell-born troop. Swindling fraud, and wholesale forgery must combine, under the sanction of treaties proclaimed in the name of the Holy Trinity. Famine, Oh God! Oh God! Devouring famine must hasten, in the name of the Holy Trinity, to the destruction of twenty-five millions of men! And shall this Ismael Heroine, this thirty thousand souled Empress, shall these Holy Trinity Prime Ministers, shall these fraud, forgery, and Famine Potentates not hear of their horrors?

horrors? Will a nation, thus implicated in these infamous transactions, know these things and be silent? Or should they, have not twenty-five millions of men one tongue among them, to publish the black narrative?

To whom do these twenty-five millions of men attribute the murders of the guillotine, the massacres of Lyons, the devastations of La Vendée, and the unheard of miseries to which France for these two years has been a witness; and to all of which, wonderful to relate, she is rising superior? To whom but to Brunswick, Pitt, and Cobourg? Names held there in more universal abhorrence than ever were those of Caligula and Nero.

Gentlemen, I know not how to make myself understood. While seeking to bring to your recollection the iniquities that error begets, I feel myself using the language to which the passions, the miseries, and the mistakes of men have given birth. I may seem to foster a malignity against individuals, of which I do most solemnly  
 protest

protest I am not conscious in my heart. May the greatest good that can befall men suddenly be theirs! May they awaken to a sense of the ruin they have occasioned, and be freed from those errors of the understanding which have been the origin of all their crimes! This is all the harm I either do or ever can wish to man; and may this harm, if it be harm, be mine! I plead to convince you of the necessity of reform, and of the deep and everlasting impression which this necessity has made upon my mind. Yes, gentlemen, if to endeavour at reform be treason, pronounce me guilty at once. Sweep such a mistaken wretch from the face of the earth, and let him vex the world no more; for while I live, and while I can discover error, I must and will warn mankind to reform.

Some few of the political and moral consequences of our parliamentary depravity I have enumerated: but who can enumerate them all? "I have bought you, and I will sell you," is the proverbial language of our immaculate members. Put the question



tion home to your consciences, gentlemen; what can be the morality of these buyers? What the morality of the bought? What sense of moral dignity, what degree of honest determined sincerity, what quantity of disinterested rectitude, can either possess? These representatives are incessantly busied in making laws: nor is there a statute that they pass in which the happiness of the nation is not most seriously involved. On this happiness their attention ought to be unshakenly fixed; the good of mankind their uniform and sole motive. Ask yourselves, gentlemen, is this the purpose, can this be the motive, of men who accept their seats on the vile condition of voting as their patron shall please; who enter the house without having considered any question, yet pre-determined to decide on all? Are such men the moral mongers of the nation?

What are the effects produced by the institutes of which men are at present so tenacious? Why, these institutes confine the poor to continual labour; by which they

are wholly deprived of leisure. These institutes fix them in a degree of want, that precludes them the benefit of common necessities. These institutes impel them to seek relief from their miseries in that forgetfulness which inebriety promotes. These institutes stimulate them to pilfer, by robbing them of the enjoyments in which their lawgivers riot. These institutes teach them selfishness, by convincing them that, if they do not hoard, they must starve. These institutes inculcate and habituate them to revenge, by inflicting punishment and violence, as the only mode which these institutes know of correcting mistake.

It has often been affirmed that the poor are incorrigible. Gentlemen, there is a melancholy and heart-rending truth lurking under this, in other respects, abominable assertion. There is no law of mind which renders a poor man less capable of virtue than a rich : nor, indeed, are his vices half so numerous, or half so odious. No; it is not a law of mind ; but if I may be allowed the figure, it is the law of no mind ; the law  
of

of ignorance ; which is imposed upon the poor by the labour and the wretchedness to which they are reduced.

Gentlemen, the mischiefs of poverty are, not that it deprives the poor of the trappings and fooleries of the luxurious rich ; but, that it robs them of their time, as well as of the means of acquiring knowledge. It is knowledge alone that can render the heart beneficent, the head comprehensive, and the whole man wise and virtuous. To rob man of knowledge is to be guilty of the worst of crimes ; and of this crime I boldly accuse our lawgivers, our non-reforming representatives, our oligarchical one hundred and sixty-two.

And well it is that I am speaking here, in this open court where I have too many hearers, and too honest, to admit of misinterpretation ; for, were I addressing myself in a small room, to eight or ten persons, with but half the freedom and the energy which here are virtue, it would there be treason. One of the ten would be a spy and an informer ; who would alter and transpose and clip and carve my sen-



tences, to fit the treasonable model his employers had provided. Thus, should I happen to mention that forty of the Tower guards had one day marched to the tunes of *ça ira* and *La Carmagnole*, he would forget what was convenient for a spy not to remember; and, using my own words arranged after his own ingenious method, and with as little interpolation as can be expected from a spy, would swear that I and forty *Carmagnoles* were to march to the tune of *ça ira* and guard the Tower. Yes; he would swear these were my very words; and his conscience would exult in the literal honesty of its cunning. Such would certainly be my danger, were I unconsciously in the company of these documented and dressed up gentlemen, whom no man now knows how to avoid. Nay I will not affirm that even this High Court at this moment is not contaminated by their presence. Miserable system, which cannot exist without such supporters? And tenfold miserable, when it has arrived at that degree of open infamy as to induce a tribunal of justice to screen its

its promoters, under the pretext that state secrets are not to be divulged.

Gentlemen, I pretend to no supernatural powers ; I am neither priest nor prophet, Levite nor Reevite ; yet this I dare venture to foretell, that, when we have reform, we shall not have spies. What a state of existence is that in which brother suspects brother, servants are bribed to betray their masters, and associations are planned in every parish for the avowed purpose of paying spies and informers ! I would not, it is true, be guilty of treason or of suicide to rid myself of such wretches ; but, rather than walk the streets in fear of them, rather than dread they should haunt me in coffee-houses, glide before me into all public places, and even start up by my own fire-side to appal me, I would suffer all that their employers and paymasters, Prime Ministers, Lords, Commons, Associators, and Reevites, could inflict.

Gentlemen, I seem to myself to have strangely debased the dignity of my subject, even though that subject be the corruption  
of

of parliament, by thus dipping into its very dregs ; but, when we recollect the poison that these dregs engender, poison which envenoms the whole state of social existence, infuses itself into every heart, and there broods suspicion, hatred, perjury, and rancour only fit for fiends, it then may surely help to fix more deeply in your memory the necessity of peaceful reform ; and a conviction that the man, who could see only the few mischiefs I have detailed, was not guilty of treason, when he endeavoured to procure that reform without which destruction must overtake us all.

Examine the moral consequences of your Excise laws. The security in which rectitude indulges is lost, among those who are subject to them. Suspicion, a desire of furtive concealment, hypocrisy, cunning, and perjury become their inmates. We scarcely find an instance in which these persons do not openly proclaim their hatred of that government which has rendered them subject to so much oppression.

What are the persons who immediately see these



these laws carried into execution ? Are they not men stigmatized and obnoxious to community ? And how does the law treat them ? It allows them a poor stipend, and commits to them a dangerous and a tempting trust. It stimulates them to break their oaths, rob their employer, forfeit their character, and in every respect render themselves the contempt of society. Yet these are comparatively petty evils : the Excise Laws must be encouraged, no matter at what expence of public morality ; and all the vices which the brawls, obscenity, and filth of gin shops can breed must not only be endured but promoted.

These Excise Laws are swelled to a monstrous bulk. In general, they are parts and parcels of other acts, in the body of which they are inserted, and lie so scattered through the statutes at large that the commissioners of government have found it expedient to collect them, and to add a copious index. I never saw the book ; it is a treasure reserved only for the initiated : for Commissioners, or men high in office in  
the

the Excise. It is printed for their use, at the expence of government ; and every officer, entrusted with a copy, is obliged to give a bond of two hundred pounds to return the book, when demanded. It contains all the parts of a plan which the contrivers of it dread should be inspected. The trader, who is subject to these laws, may search the statutes at large ; and discover how he may pay due obedience to them, if he can. The Philosopher, a still more noxious animal to a statesman, may wade through the mire of these statutes at large, and waste a life in reading acts of parliament, that he may make those extracts from each act which relate to the Excise, the mischiefs of which it is his duty and his desire to make public. But so it is Government, in all cases, seems to place its security in the ignorance of the governed ; and there is no creature that it hates so much or flies with such antipathy and panic terror as from an enquirer. He will detect its errors : and its errors and its existence are supposed, by itself, to be so interwoven

as

as inevitably to live and die together. If it did not so suppose, the question of the liberty of the Press could never have been started, men of enquiry could not have been nicknamed in order to be hunted down, and an advocate of peaceful reform could not have stood at this bar, arraigned for High Treason.

How can I quit this subject, this necessity of reform? Imagination conjures up the picture of a general election, when the whole kingdom affords a tumultuous scene of depravity such as every friend of man shrinks from with anguish! Impelled by a torrent which he cannot resist, the wise and good man yields, and, oh fatal necessity! becomes an actor in it. But surely, Gentlemen, it is not Cimmerian darkness with us! it is not total eclipse! What! Can the wise and good man be a spectator of drunkenness, bribery, perjury, bludgeon men, and murder, and not know they exist? Who can have a full image and conception of the feelings of those great, good, and noble minded men, who, from a firm sense



of duty, and, which may seem more paradoxical, an unbounded love of the mad wretches whom they could not guide, have been compelled to be the principal actors in these loathsome and lunatic tragedies ?

Gentlemen, in vain do I toil to fill up a picture the miseries of which are endless. I abandon it in despair ! I leave it to the faithfulness of your own memories : I resign it to the general feelings of mankind. Its tendency is too evident for me to fear that its mischievous properties will not daily become more and more visible. The wish at present nearest to my heart is that those who have the power to begin reform may suddenly have the will ; and that they will no longer insult the public, by exercising the worst arts of the worst of times, to stigmatize the friends of the human race through the medium of an accusation for high treason.

And here, Gentlemen, implicated as I am in these legal asperities, it is my duty to call your attention, now, and the attention of mankind, hereafter, to that abominable  
law

law record an indictment. In language the most virulent, this calumniating instrument deforms the sweet aspect of a well spent life, and, by its assertions, changes the fair face of virtue to the black and hideous visage of a fiend. It does not inquire if a brother have done wrong ; a mistaken brother, whom it benevolently intends to benefit ; but, bursting into all the rage of passion, it accuses blindfold, and describes him who had before been thought a man of virtue as possessed by vices that would disgrace a demon. It practises acknowledged falsehoods, which its fabricators call fictions ; and, plunging its object in a torrent of legal venom, then leaves the poor suffocated wretch to escape and purify himself as he can.

Feeling, as I did, that I had deserved well of my country, knowing how incessantly I had laboured to discover, and though frequently erroneous, to practise virtue, what were my emotions while I listened to the monotonous gabble of such an unintelligible and slanderous jargon ! Did I ever,

said I, imagine I should live to hear abuse so lavished on me ? That I should be summoned to hear it, too, in the presence of grave men ; who are so intent upon being solemn that they dress themselves up in garments such as no man ever saw, unless at plays and puppet-shews, lest they should forget to act solemnity well ?

This indictment says that these false traitors, I being one, met and assembled in Saint Giles's. I have had numberless occasions to pass through the precincts of Saint Giles, though never to meet traitors there ; I have seen the blue balls with which they abound, sure tokens of vice and wretchedness ; have remarked the gin-shops with anguish, and have heard their blasphemies with disgust. But Saint Giles himself, with all his ruffians, makes no such ruffian attacks, nor in such set and ruffian like phrase, as this grave, ridiculous, and false, this unintelligibly accurate and definitely incomprehensible instrument of jurisprudence, an indictment.

Gentlemen, I do but recapitulate facts.

It



It is not my fault that such is law. I speak in the presence of lawyers : men acknowledged to be the first in their profession. To some of them I am indebted for an attempt on my life ; and, what is infinitely more precious, my honest fame, my moral existence, and future utility ; to others for the defence of these inestimable blessings. What I have this day had occasion to say, concerning law, I am well aware must have excited their mutual amazement ; and perhaps their mutual indignation. I wish not to offend ; but I own that I, in my turn, am amazed to recollect that the facts innumerable, of all nations and of all ages, and in few so abundant as in this nation and in this age, I say, I am utterly astonished that these facts can be so completely forgotten, by the persons under whose eye and whose agency they are so incessantly transacted ! What, have they neither hearing sight nor sense ? Are they so eager in the pursuit of new mischief that they have not a moment to glance at the past ?

Far be it from me to depreciate the individual,

vidual, I speak only of the profession. As men, they frequently possess the most dignified virtues of man; as in this contest has been most eminently proved: as lawyers, they are what law has made them; and has in this contest been no less clearly demonstrated.

Gentlemen, secure in the conscious rectitude of good intention, let me lay bare my heart to you. Perhaps you think I have spoken with too little reverence of antient forms and institutions; which, however they may shun the test of reason, may yet demand respect. I know this is the opinion of many: I cannot help it that it is not mine. If I am in an error, I sincerely wish to be better informed; but I confess that, at present, I feel no more reverence for the trappings of antiquity than I do for a fool's cap and bells. I think them equally ridiculous and derogatory. Yet, while I would gladly prevail on every wearer of them to strip himself of such insignia of vice and folly, I would not move a finger in the way of force to wrest them from

from the characters whom I think they disgrace. No ; till we can persuade their fond owners to tear them away with their own hands, there let them remain. It is a most sacred duty to proclaim the folly ; but it is a duty still more sacred, if possible, not to persecute the fool. Let those who think that by-words, weasel skins, the entrails of worms, and the white and yellow dirt of Peru can communicate or are types of wisdom and virtue, continue so to think, till instruction can cure them of their error : for my own part, I cannot respect absurdity ; but I should be a vicious and a dangerous man could I attempt to offer it violence. I know that all this is no part of the creed of my accusers. I know that, in their code, it is high treason. If you, Gentlemen, think it so, if you can discover any intention in me to excite insurrection, civil war, and to depose the King and put him to death, let me suffer all the horrors which the law has decreed against traitors : for, till I am convinced, I will not recant one syllable.

Gentlemen



Gentlemen of the Jury : thus far I have been pleading as if there had been in my case, as there is always supposed to be, some ground of charge, some colour of suspicion, some specific accusation and forth-coming accusers, to induce the authors of this prosecution to bring me into the horrid predicament in which I stand : that of being proclaimed a traitor to my country, an enemy to mankind, and of holding my life at the hazard of the mistakes which the acrimony and prejudice of the moment might beget, or the intricacies of law and the subtleties of lawyers might produce. The wickedness of the attempt they have made upon my life is so incredible that, since this most strange Grand Jury strangely returned the Indictment presented against me a true bill, I have daily and involuntarily asked myself, ‘ Is it possible ? Am I dreaming ? Is the ‘ whole world mad ? Or am I alone a mad- ‘ man ? ’ Gentlemen ! I had a list of two hundred and eight witnesses given me with my indictment, few very few of whom, in the whole course of my life, I had ever seen  
or

or heard of ; and the remainder were, every one of them, persons on whom I have called, and whose testimony you have heard directly and flatly disproving, in the most solemn manner, the crimes thus wickedly laid to my charge ! Nearly two hundred unknown witnesses, to come forward and prove upon me that I had conspired to excite insurrection, rebellion, and war, to depose the King, and to put him to death ! This enormous infamy I am taxed with ; and this cloud of witnesses are assigned, under my prosecutors' own hand, to come upon oath and substantiate my guilt, at the moment I knew it to be impossible, for any man on the face of the earth, to prove such crimes on me ! This list is formally delivered to me, by the Solicitor for the Treasury, in the presence of his two Clerks, who are to depose to its safe delivery ! But what will you say, sitting here as you do the Judges of your country, when you shall recollect that instead of having, as my prosecutors asserted, two hundred and eight witnesses to prove me guilty of rebellion, war, and put-

ting the King to death, they had no one witnesses to prove my guilt; but that they had several who, in the very beginning of the Privy Council's inquiries, had uniformly deposed to the peacefulness of my principles and actions. Yes, Gentlemen, the members of the Society for Constitutional Information, whom they, that is, Mr. Pitt, Mr. Dundas, the Lord Chancellor, Mr. Reeves, and the whole Privy Council interrogated concerning me, gave testimony to my being a declared enemy to all force. One of the witnesses, subpoenaed on this trial against me, told the Grand Jury that, so far from being in a conspiracy to excite insurrection, I was a natural Quaker: which he explained by words importing that I had the peaceful morality of the Quakers, without their spiritual inspirations.

Gentlemen, the stretch of conscience of a Statesman is to me unfathomable. How Mr. Pitt, how Mr. Dundas, how the Lord High Chancellor of these realms can reconcile these things to their hearts, what their feelings are, what their waking thoughts, and



and what their sleeping, I cannot divine. Could men of such gigantic and incomprehensible State morality listen to the advice of one whom they have denounced a traitor, I would conjure them instantly to revise their past conduct ; to consider whether the constructive treasons which they have endeavoured to prove upon twelve men may not, with infinitely less violence, be turned to their own destruction ; whether their conduct or mine has been most calculated to excite insurrection, rebellion, and war, with the other dreadful consequences, the horror of which forbids their recapitulation ; whether it be reconcileable to their morality thus to labour the death of an individual who, were they at this moment in danger, would exert his whole faculties, such as they are, to prevent, not only the shedding of their blood, but, all possible harm from happening to them ; and who, had he the power to do them good, would, from principle, conceive himself as irrevocably bound to do good to them as to any and to every other human being. Yes,

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Gentlemen,

Gentlemen, when I publish the errors they have committed, it is not to injure these men; but to prevent them from injuring all mankind. And for this great end, to further this everlasting cause, the cause of truth and the good of the whole, I will again brave personal danger, and all the miseries which mistaken and injurious men can heap on my head.

Gentlemen, you have heard my accusers, you have heard my witnesses, you have heard my defence. Against my prosecutors, personally, who have instigated the accusation that has brought me into this perilous state, I deliberately declare I feel no resentment: though certainly I can conceive few horrors equal to those which they have sought to bring upon me. My property they have wasted; the means by which I supported my family they have for a time cut off; my character they have attempted to blast. But, as all these injuries, and every other that man can commit, are absolutely no more than errors of the understanding, to be angry at them is as irrational

as

as it is unwise. I hope the fearful proceedings of this whole prosecution will be a lesson, too deeply impressivè to be ever forgotten by them; and that they and all men will be more and more averse to the shedding of blood. Should I live, and should these prosecutors still remain unconvinced of their mistakes, I will never cease to raise my weak voice, to warn them and the world against what I believe to be mistakes so pernicious. But, in doing this, strict truth and the good of mankind shall be my guides; and, if any bitterness of recollection should ever induce me to alter or disguise the truth, I can honestly say it will be from some undetected mistaken feeling; and not from any principle of revenge, which I consider as a heinous and highly mischievous crime.

With respect to my witnesses, I could easily have doubled the number. My first care was to select such whose character would not disgrace this High Tribunal of Justice; and my next to cite persons of different ages, and opposite parties, that you,  
Gentlemen



Gentlemen of the Jury, might be convinced my principles and conduct on all occasions were the same. You have now only to decide. The sentence for this crime is,  
 “ That the culprit shall be taken from the  
 “ Bar, and conveyed to the place from  
 “ whence he came; and from thence be  
 “ drawn upon a hurdle to the place of execution, there to be hanged by the neck;  
 “ but not until he is dead; he shall be taken  
 “ down alive, his privy members shall be  
 “ cut off, and his bowels shall be taken out  
 “ and burnt before his face; his head shall  
 “ be severed from his body, and his body  
 “ shall then be divided into four quarters,  
 “ which are to be at the King’s disposal;  
 “ and the Lord have mercy on his soul !”

Gentlemen, though I hold it impossible for any human being to merit so offensive, and in my opinion so execrably wicked a punishment, yet, as I am afraid I am singular in this opinion, I do not mean to appeal to your humanity, but to your justice; and, if I am a traitor, if I have compassed or imagined the death of the King, if you have  
 any

any sort of proof that can justify such a verdict to your own consciences, then pronounce me Guilty; and let my members be cut off, my bowels burnt, my head severed from the trunk, and my body divided into four quarters and sent to be at the King's disposal: for it matters little to me whether it be at the King's and the hangman's, or the vultures' and the wolves'.

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